

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-45193 of 2016 (O&M)
Date of Decision: September 14, 2017**

Gurwinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kunal Siag, Advocate
for the petitioner (s).

Mr. Luvinder Sofat, A.A.G, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 118 dated 16.06.2016 registered for the offence punishable under Section 420 of Indian Penal Code at Police Station Nathana, District Bathinda.

Heard.

Learned State counsel on instructions from ASI Gurvinder Singh submits that petitioner has joined the investigation but is not co-operating the police by giving the details of the cheques given to him by the complainant.

The dispute pertains to the agreement to sell allegedly executed by petitioner on 23.11.2012. The complainant has alleged that he made

payment of ₹39,50,000/- to the petitioner from time to time but he has not executed the sale deed.

The question to be seen by the Investigating Officer during the course of investigation as to whether the non-execution of the sale deed amounts to cheating the complainant. The entire case is based on documentary evidence and custodial interrogation of petitioner is not required for the purpose of further investigation.

Keeping in view the above fact but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 21.12.2016 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

September 14, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***