

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

CRM-M -8369 of 2017 (O&M)

Date of decision: 30.05.2017

Sahib Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. G.K. Mann, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Prateek Sodhi, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.0092 dated 15.12.2016, registered under Sections 420 and 120-B of IPC, at Police Station Ramdas, District Amritsar Rural.

On 14.03.2017, this Court had passed the following order:-

“Contends that the petitioner is only the attesting witness and not the beneficiary of the agreement to sell. The agreement to sell in question is dated 17.05.2017.

Notice of motion.

At this stage, Ms. Harsimrat Rai, DAG, Punjab, accepts notice on behalf of respondent-State. A complete copy of the paperbook has been handed over to learned State counsel in the Court.

Meanwhile, in the event of arrest of the petitioner(s) by the Arresting Officer, they shall be released on interim bail subject to the following conditions:-

- 1.That they shall make themselves available for interrogation by a police officer as and when required;*
- 2.That they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from*

*disclosing such facts to the Court or to any police officer and;
3.That they shall not leave India without prior permission of the Court.
Post again on 03.05.2017”*

It is contended that in pursuance of the order dated 14.03.2017, the petitioners have joined the investigation. The main accused Gurmit Kaur has already been admitted to bail. She has returned the amount of Rs. 12 lakh to the complainant. The petitioners have not received any amount. The agreement to sell is dated 07.05.2012. The complainant has not filed any civil suit.

The learned State counsel, on instructions submits that though the petitioners have joined the investigation, however, the recovery of alleged amount has not yet been effected.

The learned counsel for the complainant also opposes the bail application.

Considering the fact that the petitioners are only the attesting witnesses and the alleged agreement to sell was signed on 07.05.2012, whereas the FIR came to be registered on 15.12.2016 and the fact that the petitioners have repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 14.03.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

30.05.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No