

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

Date of Decision: 24.07.2018

1. CRM-M-12564-2018

Honey Sharma

.. Petitioner

Vs.

State of Punjab

..Respondent

AND

2. CRM-M-22090-2018

Bhagwan Dass

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Deepak Bhardwaj, Advocate for
Mr. Gurmeet Singh Guri, Advocate
for the petitioners.

Mr. B.S. Virk, DAG, Haryana.

Mr. Anshul Jain, Advocate
for the complainant.

...

Inderjit Singh, J. (Oral)

This order shall dispose of CRM-M-12564-2018, filed by petitioner-Honey Sharma and CRM-M-22090-2018, filed by petitioner-Bhagwan Dass, under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.3 dated 08.02.2018, registered at Police Station NRI, District Police Commissionerate Ludhiana under Sections 420, 447, 511, 427, 379, 382, 148 and 149 of Indian Penal Code.

Notice of motion was issued in both these petitions.

Learned State counsel and learned counsel for the complainant appeared and contested these petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per the allegations in the FIR, petitioner-Bhagwan Dass had forged power of attorney and sale agreement of the properties which were owned by the complainant with his parents and the allegation against petitioner-Honey Sharma son of Bhagwan Dass is that Bhagwan Dass had transferred the said properties in the name of Honey Sharma.

Learned counsel for the petitioners submits that a civil suit has already been filed much before the registration of the present FIR, which is pending. The fact whether agreement is valid or forged, is to be decided by the Civil Court on the basis of evidence to be produced before it.

In pursuance of the interim orders dated 06.04.2018 and 23.05.2018 passed in CRM-M-12564-2018 and CRM-M-22090-2018 respectively by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. No useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present cases; without discussing the facts of the cases in minute details and without expressing any opinion on the merits of the cases, I find merit in both these petitions and the same are allowed. The orders dated 06.04.2018 and 23.05.2018 granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

24.07.2018
Jasmine Kaur

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No