

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

**CRM-M-15342-2018
Date of decision: 27.09.2018**

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 369 dated 12.12.2017, registered under Sections 420 and 120-B of the IPC at Police Station Division-A, District Amritsar.

The operative part of the order dated 23.04.2018, vide which petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that in CRM-M-9189- 2018 filed by co-accused Suman and another, following order has been passed: -

“Learned counsel for the petitioners submits that as per the agreement between the petitioners and the complainant for selling property measuring 300 sq. yards, which was earlier in the name of father of petitioner No.2, namely Om Parkash, who died in 2004, however, the land could not be mutated in favour of the petitioners and other legal heirs and mutation No.631 of the land has already been sanctioned in favour of the petitioners on 05.02.2018 and therefore, the petitioners are competent to sell

the plot and the petitioners are still ready and willing to sell the plot in favour of the complainant. It is further submitted that as per the allegations in the FIR, petitioners have received Rs.2 lacs, whereas Rs.1 lac has been retained by the property dealer co-accused Kuldeep. Learned State counsel, on instructions from ASI Devender Singh, submits that since the petitioners have set up a mutation, which is subsequent to passing of the order of dismissal of anticipatory bail application by the Additional Sessions Judge on 01.02.2018, petitioners be directed to join the investigation, hand over the documents and submit their affidavits to the effect that they are still ready to execute the sale deed, after the mutation has been sanctioned in their favour. List again on 29.05.2018. In the meantime, petitioners are directed to appear before the Investigating Officer within a period of 10 days to join the investigation and they will be released on interim bail on furnishing bail/surety bonds subject to the following conditions:

- 1. They will make themselves available for interrogation by a police officer as and when required; 2. They will 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. They will not leave India without previous permission of the Court.”

Learned counsel for the petitioner further submits that the dispute is purely of civil nature between the contesting parties and the petitioner is only a property dealer, who has helped the parties to set up a deal for sale of the aforesaid plot. Learned State counsel, on instructions from ASI Gurvinder Singh, submits that the petitioner be

directed to joined the investigation.

List again on 29.05.2018. ”

Learned counsel for the petitioner submits that petitioner, in pursuance to the order dated 23.04.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Devinder Singh, has not disputed the factual position and submits that petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to petitioner, vide order dated 23.04.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

September 27, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No