

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-22724 of 2018

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Date of decision:21.8.2018

Ramesh Arora and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

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Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with Mr. Gagandeep Jammu, Advocate for the petitioners.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab for the respondent-State.

Mr. V.S. Dhindsa, Advocate for Mr. R.S. Pandher, Advocate for the complainant-respondent No.2.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.71 dated 5.4.2018 registered for the offences under Sections 420, 467, 468, 471 and 120-B IPC at Police Station City Phagwara, District Kapurthala.

Notice of motion has been issued in this case.

Mr. Pawan Sharda, learned Senior Deputy Advocate General, Punjab has appeared on behalf of the respondent-State and Mr. V.S. Dhindsa, learned Advocate appearing for Mr. R.S. Pandher, learned Advocate has appeared for the complainant-respondent No.2 and contested this petition.

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

From the record, I find that Chaman Lal Sharma is a Deed Writer, who has only scribed the document. There is no other allegation against him regarding any active role played in cheating or forging the documents etc. Petitioners Jaswant Ram, Babli Rani, Sarabjit Singh and Manjeet Kaur are the vendees, who had purchased the property for consideration. In no way, it can be held that these petitioners have cheated the complainant. Rather, if anybody is cheated, they are vendees, who had paid sale consideration etc.

As regards, petitioners Ramesh Arora (sic. - Rakesh Arora) and Amrit Pal, they are the sub-power of attorneys of Paramjit Singh, but in the FIR Paramjit Singh has not been made as an accused. The sub-power of attorney given by Paramjit Singh to these petitioners Ramesh Arora and Amrit Pal has not been cancelled or revoked. The petitioners have already joined the investigation. They are not required for custodial interrogation. The case is based on documentary evidence. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 30.7.2018 passed by this Court granting interim bail to the petitioners is 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.

August 21, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No