

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

**CRM No.M-23015 of 2018 (O&M)
Date of Decision: July 13, 2018**

Kuldip Singh Virk and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Dhillon, Advocate
for the petitioners.

Mr.Pawan Sharda, Sr. DAG, Punjab
for the respondent-State.

Mr.N.P.S.Mann, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.47 dated 11.04.2018 under Sections 451, 379, 34 and 120-B IPC, registered at Police Station Lambi, District Sri Muktsar Sahib.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

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

Learned counsel for the petitioners argued that there is

inordinate delay in recording the FIR as the incident took place on 24.12.2016 as per prosecution version, while FIR was registered on 11.04.2018. As per learned counsel for the petitioners, the allegations against the petitioners are that they along with their father Surjit Singh had withdrawn money from joint account with the complainant and trespassed in his house and taken away documents. The complainant is brother of the petitioners and was involved in a litigation with father Surjit Singh, with whom he maintained his joint account. Surjit Singh expired on 16.04.2018 and the allegations in the FIR were also against him. It is also contended that petitioner No.2 Kulmeet Singh Virk has also filed a civil suit with regard to ownership of house, first floor of which, is allegedly occupied by the complainant.

Admittedly, the account was joint between complainant and his father Surjit Singh and Surjit Singh had withdrawn the money from the joint account. The civil litigation regarding the house, as argued, is already pending.

The petitioners have already joined the investigation. Nothing is to be recovered from them. They are not required for custodial interrogation. The trial of the case will take long time. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioners are entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 28.05.2018 granting interim

bail to the petitioners, is made absolute.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 13, 2018
Vgulati

Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)
JUDGE

Yes
No