

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-24732 of 2018

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Date of decision:20.9.2018

Amrit Pal Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. J.S. Mehndiratta, Advocate for the petitioner.

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

Mr. Mandeep Kumar Dhot, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.05 dated 9.1.2018 registered
for the offences under Sections 406 and 420 IPC at Police Station
Ladhuwal, District Ludhiana.

Notice of motion was issued in this case.

Mr. Pawan Sharda, learned Senior Deputy Advocate General,
Punjab has appeared on behalf of the respondent-State and Mr. Mandeep
Kumar Dhot, learned Advocate has appeared for the complainant and
contested this petition.

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

From the record, I find that the FIR has been registered on the

written complaint of Prem Chand Gupta s/o Jagdish Chand owner of the property measuring 4 Kanals 1/2 Marla, who executed an agreement to sell dated 8.11.2010 for ₹30,37,500/-. It has also been stated that the amount was paid and the possession was delivered, but later on Amrit Pal Singh exchanged the land through Ajit Pal Singh and then on the basis of exchange deed, co-accused Prem Gupta son of late Sh. Tara Chand further sold the land on the basis of registered power of attorney to Sunita Gupta wife of Prem Gupta.

At the time of arguments, it has been admitted by both the parties that civil litigation is already pending between the parties as both the parties have filed civil suits. Civil Court is already seized of the matter. Otherwise also, the case is based on documentary evidence and the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner 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 1.6.2018 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner 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.

September 20, 2018.

(Inderjit Singh)
Judge

hsp

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