

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28442-2018

Date of decision: 26.10.2018

Harpreet Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sunil Garg, Advocate
for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Ms. Niharika Gupta, Advocate for
Mr. Amaninder Preet, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.171 dated 07.12.2017 under Sections 420, 120-B IPC, registered at Police Station Sadar Phagwara, District Kapurthala.

While granting interim anticipatory bail to the petitioners, following order was passed on 11.07.2018: -

“Counsel for the petitioner has submitted that vide order dated 12.01.2018 passed in CRM-M No.133 of 2018, filed by the coaccused Jeet Singh, the following order has been passed:-

“This petition is filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No. 171 dated 07.12.2017 under Section 420/120-B of IPC,

registered at Police Station Sadar Phagwara, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner and the complainant are real brothers and dispute is with regard to 14 marlas of land, which according to the complainant has been sold by the petitioner in excess of his share.

Learned State counsel, on instructions from ASI Onkar Singh, has submitted that the petitioner is required for investigation as it is to be verified that how much land is owned by him.

Learned counsel for the complainant has submitted that the petitioner is now ready to return the amount.

The parties are ad idem that this case may be referred to Mediation and Conciliation Centre of this Court for exploring the possibility of settlement.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 6.2.2018. Investigating Officer also to remain present there on that day.

In the meantime, the petitioner is directed to produce the demand draft for a sum of Rs.3.00 lacs in favour of the complainant to show his bona fide.

Till the next date of hearing, arrest of the petitioner shall remain stayed, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall 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. He shall not leave India without previous permission of the Court.

List on 27.04.2018.”

Notice of motion for 17.08.2018.”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioners have joined the investigation and are not required for any further investigation.

Learned State counsel, on instructions from HC Balwant Singh, and assisted by learned counsel for the complainant, has not disputed the factual position and states that the petitioners are no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 11.07.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

26.10.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No