

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

**CRM-M No.39215 of 2016 (O&M)
Decided on: 28.05.2018**

Sarabjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. T.P.S. Tung, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Mr. Atul Goyal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.140 dated 08.08.2015 registered under Sections 420, 120-B, 506 IPC (Sections 467, 468, 471 IPC added subsequently) at Police Station Division No.4, District Ludhiana.

Vide order dated 02.12.2016, the following order was passed by this Court:-

“Petitioner Sarabjit Singh apprehends arrest in a case registered at the instance of Kamlesh Sharma alleging that the petitioner in connivance with Karamjit Kaur and Jatinder Kumar had forged the signatures of her husband Ramesh Sharma on an agreement of sale dated 26.07.2010. The husband of the complainant had never executed any agreement of sale. The petitioner along with others has also under threat got signatures of the sons of the complainant on papers which have been converted in an agreement of sale.

It has been submitted that civil suit for enforcement

of the legal rights on the basis of agreement of sale is pending inter se the petitioner and the complainant.

In view of co-accused of the petitioner having been granted concession of pre-arrest bail and civil suit having already been filed by the petitioner for enforcement of the agreement of sale, custodial interrogation of the petitioner will not be required.

Adjourned to 18.01.2017.

Meanwhile, an interim direction is issued that the petitioner will join investigation on or before 10.12.2016. In case of petitioner doing so, he will be released on interim bail to the satisfaction of the arresting officer.”

Thereafter, on the asking of the Investigating Officer, the petitioner was directed to join the investigation on various dates and the only objection by State counsel is that he has not handed over the agreement to sell and the proof of payment as noticed in the order dated 27.09.2017. The case was again adjourned and it was submitted by the petitioner that he has rejoined the investigation and handed over the documents to the Investigating Officer.

The complainant, thereafter, filed a CRM No.6816 of 2018 for directing the petitioner to place on record the agreement to sell dated 26.07.2010 and 16.10.11.2010.

Reply to the said application has been filed, thereafter and it is submitted that 02 agreements were executed by Ramesh Sharma in the presence of witnesses on 26.07.2010 and 16.11.2010 in favour of the petitioner and Karamjit Kaur and the possession of the property was handed over to the purchasers at the time of execution of the said agreements. It is further submitted in the reply that unfortunately Ramesh Sharma died on 06.12.2010 and the petitioner and Karamjit

Kaur approached his legal heirs i.e. Rajesh Sharma and the complainant and they executed another agreement to sell dated 28.12.2010 and undertook to get the sale deed executed and registered in favour of the purchaser. At that time, the above mentioned 02 agreements to sell dated 26.07.2010 and 16.11.2010 were handed back to the legal heirs of Ramesh Sharma. It is also submitted that even on earlier occasion when the complaint was given to the police by the petitioner, the dispute between the parties was got compromised and only, thereafter, the present FIR was registered. The petitioner and Karamjit Kaur have also filed 02 separate civil suits against the legal heirs of Ramesh Sharma seeking a decree of specific performance on the basis of the agreement to sell dated 28.12.2010 and all these facts can only be decided by the trial Court, during the trial. It is also submitted that the petitioner is on interim bail since 02.12.2016 and he is not involved in any other case and has not misused the concession of interim anticipatory bail.

Counsel for the State, on instructions from ASI Raghbir Singh, assisted with counsel for the complainant has not disputed the factual position and has submitted that the 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 the petitioner vide order dated 02.12.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

28.05.2018

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No