

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

**Criminal Misc. No. M-40472-2017
Date of Decision: 13.07.2018**

Subash Chander

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Satbir Gill, Advocate for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.
Mr. Simranjeet Singh, Advocate for the complainant.

...

Inderjit Singh, J.

Petitioner-Subash Chander has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.141 dated 14.08.2017, registered at Police Station Dina Nagar, Gurdaspur, District Gurdaspur, under Sections 406 and 420 of Indian Penal Code.

Notice of motion was issued in this case.

Learned State counsel as well as learned counsel for the complainant have appeared and contested this petition.

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

From the record, I find that as per the allegations in the FIR, Rachhpal Kaur through the present petitioner Subash Chander, general power of attorney executed an agreement to sell with the complainant and ₹25 lacs was paid as earnest money. Later on, complainant found that in the Jamabandi, entry of 'Gaushala' was mentioned and there was stay order by the Court.

In pursuance of the interim order dated 18.01.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. The case is based on documentary evidence. Therefore, no useful purpose would be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 18.01.2018, 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.

13.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No