

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-43424-2017
Date of Decision: 01.08.2018

Om Parkash

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.
Mr. Kamal Narula, Advocate for the complainant.

...

Inderjit Singh, J.

Petitioner Om Parkash has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.91 dated 07.10.2017, registered at Police Station Sadar Abohar, Tehsil Abohar, District Fazilka, under Sections 420 and 120-B of Indian Penal Code.

Notice of motion was issued in this case.

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

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

The allegation against the present petitioner is that he had transferred the land more than his share i.e. 08 kanals in the name of his wife.

At the time of arguments, it is admitted that it is a joint khata and at that time, no partition had taken place and the complainant had purchased only share in that khata.

Learned counsel for the petitioner submitted that the ownership of the petitioner has been upheld by the civil Court vide its judgment dated 20.02.2017 and affirmed in appeal by the District Judge on 25.05.2017.

In pursuance of the interim order dated 15.01.2018, 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. 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 15.01.2018, 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.

01.08.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No