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

CRM-M-50154-2017

Date of decision : 05.01.2018

Davinderjit Singh @ Inderjit Singh and another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. K.B. Raheja, Advocate
for the petitioners.

Mr. IPS Doabia, Addl. A.G., Punjab.

AMIT RAWAL, J. (ORAL)

The petitioners have approached this Court under Section 438 of the Code of Criminal Procedure for anticipatory bail, after dismissal of the bail application before the Additional Sessions Judge, Ferozepur in case FIR No.138 dated 01.10.2017 under Sections 420, 120-B IPC, Police Station Guruhar Sahai, District Ferozepur.

Mr. K.B. Raheja, learned counsel for the petitioners submits that as per the allegations in the FIR, the complainant-Pala Singh alleged that Kuldip Singh, father of the petitioner No.1 and Balwinder Singh, father of petitioner No.2, had assured the complainant to employ his son and daughter, namely, Gurmeet Singh and Sheena Rani, in a Government job and in lieu thereof, he is stated to have paid a sum of ₹12 Lacs.

He further submits that the incident is of the year 2014 and FIR was registered against the petitioners and others in the year 2017, which is

nothing, but as an counter blast. The Civil Suit (Annexure P-5) titled as **“Kuldip Singh and another V/s Pala Singh and others”** claiming the following relief, is pending before the Civil Court:-

“Suit for permanent injunction restraining the defendants not to dispossess forcibly to the plaintiffs who is in exclusive, physical and constructive possession of the suit property bearing Khasra No.176//18/2, 21/2, 22, 23, 19, 17/2, 181//1/1, 3/1, 1/2, 181/2, 4/4, 12/1, 176//18/1/1, 176/20/2/2, 175//25, 182//5, 181//26 bearing Khewat/Khatouni No.621/795, 796/1129-860/1126-207/340 situated at Village Sohian Kalan Tehsil & District Amritsar correctly shown as per the Jamabandi for the year 2011-12 otherwise in due course of law.”

He further submits that no role has been attributed to the petitioners, thus, urges this Court for grant of anticipatory bail to the petitioners.

Mr. IPS Doabia, Addl. A.G., Punjab, on instructions from HC Gurdeep Singh, submits that FIR is at the stage of investigation, but did not dispute the factum of pendency of the civil suit. The custodial interrogation of the petitioners would be necessary to ascertain the allegations made in the FIR, particularly the complainant is stated to have paid the amount of ₹12 Lacs.

I have heard the learned counsel for the parties and appraised the paper book and of the view that unconverted fact as made out from the paper book is that the Civil Suit (Annexure P-5) is stated to be pending between the father & mother of petitioner No.1 and the complainant. The incident as referred to in the FIR is of the year 2014, whereas the complaint was submitted to the Police only in the year 2017, after the filing of the civil

suit. The alleged payment is also stated to have been made in cash.

Keeping in view the aforementioned facts, I do not intend to comment further upon the merits and demerits of the case, which would be subject matter of evidence before the Court below, in case the Police intends to file a report against the petitioners, but the custodial interrogation in such case against the petitioners, in my view, would not be required and accordingly, the petition is allowed and the petitioners are granted anticipatory bail. They are directed to join the investigation as and when called by the Investigating Officer. In the event of arrest of the petitioners, they shall be admitted to anticipatory bail subject to their furnishing personal bonds to the satisfaction of the Arresting Officer. They are also directed to comply with the provisions of Section 438 (2) Cr.P.C.

05.01.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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Whether speaking/reasoned Yes/ No

✓

Whether Reportable Yes/ No