

CRM-M-6359-2019

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

CRM-M-6359-2019

Date of Decision: 29.04.2019

Avtar Singh also known as Avtar Singh Saini also known as Babbu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Balram Singh, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.176 dated 22.12.2018, registered at Police Station Sadar Phagwara, District Kapurthala, under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

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

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From the record, I find that FIR, in the present case, has been registered against co-accused, namely, Boota Singh and Raj Kumar, on the allegations that they had the power of attorney dated 10.08.2009 in their favour executed by the complainant, which was later on cancelled vide cancellation deed dated 14.03.2011. As per the allegations, Boota Singh and Raj Kumar executed 27 sale deeds on the basis of cancelled power of attorney. The present petitioner is stated to be a vendee in this case and he has purchased some properties.

In pursuance of the interim order dated 11.02.2019 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. The petitioner is not named in the FIR. The case is based on documentary evidence. Therefore, no useful purpose will be served by sending him 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 11.02.2019, 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.

29.04.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

Note: Whether speaking/reasoned : Yes
Whether reportable : No