

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

**CRM-M-12242-2018 (O&M)
Date of Decision:06.05.2019**

Suba Singh

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.A.S.Manaise, Advocate for the petitioner.
Mr.Ramdeep Partap Singh, DAG, Punjab.
Mr.N.K.Vadehra, Advocate for the complainant.

ANIL KSHETARPAL, J.

On 16.04.2018, following order was passed by this Court:-

“Mr. Narinder Kumar Vadehra, Advocate has appeared on behalf of the complainant by filing vakalatnama, which be taken on record.

Learned counsel for the petitioner has contended that the dispute between the parties is purely of the civil nature and petitioner is ready and willing to join the investigation, whereas learned counsel for the complainant has stated that complainant has got a long criminal record and has been indulging in criminal activities, therefore, no interim relief should be granted to him.

I find that it would be proper and appropriate if petitioner is directed to join the investigation. Under such circumstances, the petitioner is directed to join investigation by contacting the Investigating Officer within 5 days from today and render all sort of cooperation. The petitioner has to surrender his Passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. The next date of hearing is fixed as 17.5.2018. If, in the meanwhile, he is arrested, he be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer.

Learned counsel for the State has stated that the petitioner has joined the investigation and he is not required for further custodial interrogation.

Learned counsel for the complainant has submitted that there are two more cases pending against the petitioner.

Accused is presumed to be an innocent unless he is convicted by the court. The dispute in the present case is with regard to possession of land sold by the petitioner in favour of complainant through a registered sale-deed dated 11.02.2015 and validity whereof is under challenge before the civil court.

Keeping in view the aforesaid facts, the order dated 16.04.2018 passed by this Court is made absolute.

Disposed of, accordingly. Needless to observe that the trial court would decide the case without being influenced by the prima facie observations made by this Court in the order.

06.05.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No