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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15563-2018
Date of decision-28.05.2019

Ram Krishan

....Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
ASI Janak Raj.

Mr. A.P.Batra, Advocate for respondent No.2.

Mr. Sukhkarandeep Vaid, Advocate for
Mr. Parambir Singh, Advocate for respondent No.3.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.39 dated 07.02.2018 under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code registered at Police Station Daresi, District Ludhiana City. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 01.05.2018 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Petitioner seeks concession of pre-arrest bail in

case FIR No.39 dated 07.02.2018 under Sections 420/467/468/471/120-B IPC registered at Police Station Daresi District Ludhiana City.

Dispute essentially is with regard to ownership rights of property measuring 37 sq. Yards being 2/3rd share out of property measuring 50-1/2 sq. Yards bearing Vasika House No. B-4-SS/489 (Old) B-5-SS/489 (New), Kucha Mangat Rai Circular Road, P.S. Daresi, District Ludhiana.

The allegations against the present petitioner are that the afore noticed property has been transferred in his own name with a mala fide and fraudulent intention and on the basis of forged and fabricated documents.

Counsel would submit that even as per version of the complainant he had purchased the property in question vide sale deed dated 15.05.1998 from one Avinash Chander.

Counsel representing the complainant would submit that the Avinash Chander in turn had taken property from one Puran Chand alias Nikka Ram and who became owner of the property towards execution of decree.

Mr. Parambir Singh, Advocate representing respondent No. 3- Corporation, on a specific query having been put states that as per the records of the Municipal Corporation, Avinash Chander as also Subhash Sharma (Complainant) at no stage have been recorded as owners of the property.

Counsel for the petitioner inter alia contends that it is a case based on documentary evidence and under such circumstances custodial interrogation would not be warranted as the petitioner is ready and willing to join the investigation.

List for further consideration on 11.07.2018.

In the meanwhile, the petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in

deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Janak Raj and counsel for the complainant have opposed the bail on the ground that the custodial interrogation is required.

After hearing learned counsel for the parties, this Court is of the opinion that the allegations in the FIR have been noticed by this Court in the order dated 01.05.2018 and the entire case of the parties is founded on documentary material and therefore, custodial interrogation of the petitioner may not be necessary.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 01.05.2018 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

28.05.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No