IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10086-2019 (O & M)
Date of Decision:21.05.2019

Jaswant Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S. Swaich, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Harkirat Singh Sandhu, Advocate for the complainant.

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MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.18 dated 14.02.2019 under Sections 406/420 IPC, registered at Police Station Sirhind, District Fatehgarh Sahib. 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 05.03.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

> *"Learned counsel for the petitioner contends that as per the allegations in the FIR, the petitioner received a sum of ₹20 lacs for sale of land to the complainant. An agreement to sell dated 24.12.2015 was executed between the parties.*

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> *According to learned counsel for the petitioner, at the asking of the complainant, land measuring two biswas was sold to Smt. Poonam for a sale consideration of ₹6,40,000/-. Learned counsel for the petitioner further contends that the petitioner is ready to either return the balance amount so received from the complainant or in the alternative, is ready and willing to execute the sale deed in respect of the remaining land in question in favour of the complainant.*
>
> *Notice of motion for 12.04.2019.*
>
> *In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified 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. He further contends that the parties have settled the dispute before the Mediation and Conciliation Centre of this Court.

Learned State counsel who is assisted by ASI Amarjit Singh does not dispute this fact that the petitioner has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.03.2019 is made absolute.

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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.

21.05.2019 **(MANOJ BAJAJ)**
sheetal **JUDGE**

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No

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