

CRM-M-25462-2018

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

CRM-M-25462-2018 (O & M)

Date of Decision: 17.01.2019

Sukhdev Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. P.K.S.Phoolka, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner-Sukhdev Singh 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.78 dated 11.04.2018, registered at Police Station Nathana, District Bathinda, under Sections 420 and 120-B of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has 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 have gone through the record.

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From the record, I find that presence of respondent No.2-complainant could not be secured through ordinary process and in the opinion of this Court, when the State is representing, there is no need to hear respondent No.2-complainant even when his correct address is not available. Effecting the service upon respondent No.2 through publication will only delay the disposal of this petition for a long and substantial period. Therefore, this Court is deciding the present petition without effecting service upon respondent No.2.

From the record, I find that FIR, in the present case, was got registered by complainant-Hari Singh, aged about 80 years. It is alleged by the complainant that his nephews Sukhdev Singh and Binder Singh and Amanpreet Singh came to him and asked him to execute the Will in their favour by stating that that they would look after him. On this, the complainant went to the Tehsil Office and instead of Will, the accused had got executed the sale deed from him.

The petitioner has already joined the investigation, as stated by learned State counsel. The case is based on the documentary evidence. Nothing is to be recovered from the petitioner. He is not required for custodial interrogation.

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 that no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed. It is ordered that

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in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

17.01.2019
parveen kumar

(INDERJIT SINGH)
JUDGE

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