

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

CRM-M-26426 of 2018(O&M)

Date of Decision: 30.08.2019

Sewa Singh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Ms. Malika Aggarwal, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

Mr. Amit Sharma, Advocate for
Mr. Pardeep Bajaj, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C. seeking pre arrest bail in case FIR No. 0141 dated 28.02.2018, under Sections 383, 420, 506 and 120-B of the Indian Penal Code (Sections 342, 384, 386, 467, 468 and 471 of IPC were added later on) registered at Police Station Sector 5, Panchkula.

On 20.06.2018, while issuing notice of motion, the following order was passed by this Court:

“Heard.

This FIR is outcome of the property dispute between the parties. While petitioner Neha Dewan and Vaibhav Dewan are purchasers of property during and after the final decision of regular second appeals in the year 2010, petitioner Sewa Singh was witness of the agreement executed by Sohan Lal and Anshu Malli Gupta regarding that property in which R.K. Garg was

also a witness.

Notice of motion for 29.08.2018.

Mr. Pardeep Bajaj, Advocate, who is present in the Court, has put in appearance on behalf of complainant and filed power of attorney.

The dispute between the parties started in the year 1987 and was ultimately decided in the year 2010. The allegations in the FIR are based on documentary evidence and custodial interrogation of the petitioners is not required at this stage.

Petitioners are directed to surrender before the police and join investigation within two weeks. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.

Copy of this order be placed on the file of other connected matter.”

It is contended by learned counsel for the petitioner that in terms of the above order, petitioner has already joined investigation on various occasions.

Learned State counsel on instructions from DSP Gurmail Singh has acknowledged the above factual position and stated that the custodial interrogation of the petitioner is no longer required in the present case. Even learned counsel for the complainant also candidly stated that he has no objection in case the above interim order is made absolute.

In view of the agreed stand adopted by both sides, order dated 20.06.2018 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is clarified, that in case the presence of

petitioner is required for any further investigation, he shall fully co-operate.

[MAHABIR SINGH SINDHU]
JUDGE

August 30, 2019
rashmi

Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no