

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

**CRM No.20897 of 2019 in/and
Crl. Misc. No.M-15226 of 2019 (O&M)
Date of Decision: July 15, 2019**

Amit Garg and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Onkar Rai, Advocate for
Mr. Neeraj Sharma, Advocate
for the petitioner (s).

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

Mr. I.S. Luthra, Advocate
for the applicant Milwant Singh.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.59 dated 09.03.2019 registered for the offence punishable under Section 82 of Indian Registration Act, 1908, at Police Station Sahnewal, District Ludhiana.

Heard.

FIR in this case was registered on the complaint of Joint Sub Registrar, wherein he submitted that in the sale deeds executed by Dharminder Singh, being general power of attorney of Abhinash Kaur and

Daljit Kaur, bearing No.61, 62 dated 30.07.2018 relating to the land of village Sahnewal, District Ludhiana, the fact regarding the pendency of litigation in Court was not disclosed and by concealing this fact, false statement was got recorded violating the provisions of Section 82 of Indian Registration Act.

Learned State counsel on instructions from ASI Gurmeet Singh submits that petitioners as per order dated 03.04.2019, have joined the investigation, which is still in progress but their custodial interrogation is not required for the purpose of further investigation.

An application (CRM-20897-2019) has been filed on behalf of Milwant Singh for impleading him as party in this petition. The complaint was got registered by Joint Sub Registrar for some omission in the sale deeds got registered with him, as such, the applicant is not necessary party in this petition but still I have heard learned counsel for the applicant, who submits that litigation is pending between the parties. The petitioners have taken forcible possession of the land of applicant. The applicant is a cosharer in the land with the petitioners, who have concealed the factum of pendency of civil litigation in the court and have not complied with the order passed by the Hon'ble Apex Court in SLP No.11629 of 2008 decided on 14.05.2018.

The dispute of the applicant with the petitioners is on civil side for which he has got separate and independent remedy.

Keeping in view the factum that the petitioners have joined the investigation and their custodial interrogation is no more required but without expressing any opinion on the merits of the case, this petition is

allowed and order dated 03.04.2019 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court;
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

July 15, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***