

CRM-M-18714-2019
Date of decision-24.09.2019

State of Punjab **...Respondent**

Present: Mr. Abhinav Gupta, Advocate for the petitioners.

Mr. Hittan Nehra, Addl.AG, Punjab assisted by
HC Kashmir Singh.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.193 dated 21.12.2018 under Sections 406, 420 and 120-B of Indian Penal Code, 1860 registered at Police Station Sadar, District Jalandhar, Punjab. The petitioners apprehend their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 15.05.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioner contends that the complainant, namely, Davinder Singh has lodged this FIR after a long delay of more than one year i.e. from the date of filing suit raising the same issue. It is contended that the allegations are regarding selling excess land to the extent of ten marlas, on the basis of GPA dated 30.11.2011 (Annexure P-2). Learned counsel contends that the entire case of the prosecution is founded on the

documentary evidence and the custodial interrogation of the petitioners may not be necessary, particularly when the alleged sale deeds were executed on 19.03.2014 and 05.02.2015, which are subject matter of the civil suit.

Notice of motion for 24.09.2019.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners 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 HC Kashmir Singh does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from HC Kashmir Singh further states that the petitioners are 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 15.05.2019 is made absolute.

24.09.2019

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(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No