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

CRM-M-43592 of 2018 (O&M)

Date of decision: September 25, 2019

Kuldeep Singh @ Pinka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepak Sabherwal, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.138 dated 30.06.2018, under Sections 406, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sohana, District SAS Nagar.

On 04.10.2018, while issuing notice of motion, this Court has passed the following order:-

“It is inter alia contended by learned counsel for the petitioner that in respect of some of the plots allotted to the complainant on account of acquisition of land, the petitioner introduced the complainant to some property dealers through whom the said plots were sold to third person. Alleging that the entire sale consideration had not been paid to him, the complainant filed three different civil suits impleading the vendee, the property dealer as well as the petitioner as defendants. The respective vendees filed

written statements saying that the entire sale consideration had been paid through bank transactions. On the basis of the evidence on record, the application of the complainant under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908, was dismissed by the trial Court. Subsequently, the suits have also been dismissed for non-prosecution on 14.05.2018. The FIR has been registered out of vendetta as the complainant failed to get any relief from the civil Court. Further, prior to registration of the FIR, a complaint was submitted before the Senior Superintendent of Police, Mohali, who marked an enquiry to the Superintendent of Police (H.Q.), who gave a finding that the dispute between the parties was regarding money and was purely of civil nature. The statement of the petitioner had also been recorded during the course of the said enquiry. Thus, it is apparent that the petitioner is not evading any enquiry by the police. The dispute is of civil nature. The entire evidence relating to the transactions of sale of plots is available with the investigating agency and thus, custodial interrogation of the petitioner is not necessary.

Notice of motion for 06.12.2018.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 12.10.2018 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C..”

Learned State counsel, on instructions from police official present in Court to assist him, has stated that after investigation in the matter, cancellation report is prepared on 23.09.2019 and the same is likely to be submitted before the Court of competent jurisdiction very

shortly.

In view of the above, order dated 04.10.2018 granting interim bail to the petitioner is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 25, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No