

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

**CRM-M No.47138 of 2018 (O&M)
Date of Decision : 07.02.2019**

Tara Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Manuj Nagrath, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.0098 dated 06.10.2018 registered under Sections 420/465/467/468/471/120-B IPC at Police Station City 2, Abohar, District Fazilka.

On 29.10.2018 the following order was passed:-

“Learned counsel for the petitioner, inter alia, states that basically the allegation against the petitioner is that the land was donated by Ami Chand in the name of homoeopathic medical college, Abohar through Chaudhary Balwant Singh, President Managing Committee, but instead of starting the homeopathic college, an engineering college has been set up on the land.

He further states that the engineering college was established in the year 2009 and it is after a period of about 9 years, the present FIR has been registered against the petitioner. Even otherwise, the parties are already in civil

litigation as the suit filed by the complainant was decreed for which the petitioner has filed an appeal before the District Judge, Fazilka.

Notice of motion.

At this stage, Mr. Manu Loona, Advocate has put in appearance and filed power of attorney on behalf of the complainant, which is taken on record.

List on 07.02.2019.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C..”

Learned Deputy Advocate General, Punjab on instructions from H.C. Bhupinder Singh accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 29.10.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

07.02.2019

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No