

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

**CRM-M No.49077 of 2018 (O&M)
Date of Decision: 27.05.2019**

Mohd. Anwar @ Mohd. Anwar Nandan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Jai Bhagwan, Advocate for the petitioner.

Mr. C.L.Pawar, Senior Deputy Advocate General, Punjab
for the respondent/State.

Mr. Sunny K. Singla, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.120 dated 19.10.2018, under Sections 420, 467, 468, 469 and 471 of the Indian Penal Code, 1860, registered at Police Station City-II, Malerkotla, District Sangrur.

Brief facts of the case are that complainant-Bashiran (mother of petitioner) made a complaint that at the time of her Nikah, she was given in *Mehar* one house, chaubara consisting of three rooms along with six shops,

situated at Bhumsi Chowk, Malerkotla by her in-laws, of which, she is owner in possession. Her son Mohd. Anwar (petitioner) is working as Document Writer at Tehsil Complex, Malerkotla, got executed one Hibbanama of that house in the year 2009 in his favour fraudulently on the pretext of getting some rent deed of the shops, executed by taking undue advantage of her illiteracy. In 2010, complainant moved an application and petitioner had admitted his fault before the police officials of Police Station City-II, Malerkotla and assured that he would not misuse the same by giving his affidavit, without mentioning any date or verification thereon, but he got the ownership of said property transferred in his name by tampering with the ownership record of the Municipal Committee in the year 2013.

This Court, on 06.12.2018, passed the following order:-

“ Notice of motion and notice reg: stay was issued on 02.11.2018 but learned State counsel submits that the copy has not been supplied to her.

The dispute is between the son and mother and the mother is the complainant in this case.

Adjourned to 31.01.2019.

Meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer till the next date of hearing. He shall join the investigation as and when required by the Arresting Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

(i) that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii) that the petitioner shall not leave India without the prior permission of the Court.

However, the petitioner is directed to pay an amount of Rs.5,000/- to the complainant as she has been called. The amount be paid to her, in case, she appears in the Court on the next date of hearing. ”

Contents that in terms of above order, petitioner has joined the investigation and his custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Surinder Pal.

In view of above, interim order dated 06.12.2018 is made absolute subject to payment of ₹ 30,000/- as costs to the complainant being mother of the petitioner and an old lady as well as conditions envisaged under Section 438(2) Cr.P.C.

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

Disposed off accordingly.

May 27, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>