

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 26.11.2019

1. CRM-M-22875-2019 (O&M)

Baldev Kaur and another

... Petitioners

Vs.

State of Punjab

... Respondent

2. CRM-M-24507-2019 (O&M)

Harwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anter Preet Singh, Advocate
for the petitioners (in both cases).

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. A.S. Barnala, Advocate
for the complainant (in both cases).

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of anticipatory bail to
petitioners Baldev Kaur, Raghbir Singh and Harwinder Singh, in FIR No.21
dated 29.03.2019 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered

at Police Station Jodhan, District Ludhiana.

Learned counsel for the petitioners submits that no settlement could be effected between the parties, as per report of the Mediator.

Learned counsel for the petitioners has argued that primary dispute between the parties is pertaining to an agreement dated 24.11.1992, which, according to the petitioners, was signed by three brothers namely Sahib Singh, Kuldeep Singh and Nachhattar Singh. It is further submitted that later on, Gurdeep Singh son of Gurbachan Singh filed a complaint with the allegations that the said agreement is forged and did affect his right over the property in dispute. It is also submitted that when a similar objection was raised by another brother, a civil suit has been filed and in the said suit, he has taken the similar plea that there is an agreement, vide which some rights have devolved upon father of the petitioners, namely Sahib Singh.

Learned counsel for the petitioners has next argued that the present FIR has been registered, after a long lapse of time and without there being any declaration from the Civil Court regarding validity of the said agreement.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

Learned counsel for the complainant has, however, submitted that the complainant was not a party to the civil suit. It is further submitted that the petitioners have failed to produce the original agreement and have failed to give the standard signatures to verify the same.

On a Court query, it is admitted on behalf of the complainant that till date, he has not filed any civil suit seeking declaration that the disputed agreement is not a valid document.

Be whatsoever, the mere fact that FIR has been registered, after a long lapse of 14 years, that too, after availing the remedy before the Court, both these petitions are allowed and the interim bail granted to the petitioners vide order dated 23.05.2019 passed in CRM-M-22875-2019 and the order dated 06.06.2019 passed in CRM-M-24507-2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

26.11.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No