

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

**CRM-M No. 23744 of 2019
Date of Decision:-22.10.2019**

Vijay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Gaurav Gupta, Advocate for
Mr. Digvijay Nagpal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.154 dated 02.9.2018, under Section 420 IPC, registered at Police Station City, Malout. The petitioner apprehend his arrest at the hands of Police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 23.5.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the allegations in the FIR are regarding breach of an agreement to sell dated 04.03.2019 in favour of the complainant as a sum of `3 lacs was allegedly paid by the complainant. According to him, the dispute is primarily of civil nature and the custodial interrogation of the petitioner may not be necessary in the given facts. It is further pointed out that a civil suit brought for specific performance of the contract dated 04.03.2016 already stands decreed in favour of the complainant.

Notice of motion for 21.10.2019.

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

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner 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 ASI Baj Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Baj Singh further states that the petitioner is 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 23.5.2019 is made absolute.

October 22, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No