

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-54112 of 2018

.....

Date of decision:07.02.2019

Surjit Kaur and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Ms. Kulwant K.K., Advocate for the petitioners.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the
respondent-State.

Mr. C.S. Bakshi, Advocate for respondent No.4.

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Inderjit Singh, J.

This second petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.3 dated 7.1.2017 registered for
the offences under Sections 420 and 120-B IPC at Police Station Division
No.1, Ludhiana, District Ludhiana.

Notice of motion was issued in this case.

Ms. Monika Jalota, learned Deputy Advocate General, Punjab
has put in appearance on behalf of the respondent-State and Mr. C.S.
Bakshi, learned Advocate has appeared for respondent No.4 and contested
this petition.

I have heard learned counsel for the parties and learned State
counsel appearing for the respondent-State and have gone through the
record.

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From the record, I find that as per the allegation in the FIR, the present petitioners entered into agreement to sell with the complainant and they have received about ₹30 Lakhs as earnest money and have not executed the sale deed. There is another allegation that they have stated as owners of 1 Kanal 13 Marlas but actually they are owners of 1 Kanal 1 Marla and other land is in the name of other person.

Keeping in view the facts and circumstances of the present case and the fact that the petitioners have already joined the investigation; the case is based on documentary evidence and the fact that the case is mainly of civil nature as civil suit is also stated to be pending; they are not required for any custodial interrogation, I find that no useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 7.12.2018 passed by this Court granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 07, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No