

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25478 of 2019

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Date of decision:20.08.2019

Jagwinder Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Jagdeep Singh Chahal, Advocate for the petitioner.

Mr. Sidakmeet S. Sandhu, Assistant Advocate General, Punjab
for the respondent-State.

Mr. A.S. Barnala, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.53 dated 9.6.2017 registered for the offences under Sections 420, 406, 120-B IPC, later on Section 420 IPC was deleted and Section 447 IPC was added at Police Station Mullanpur Garibdass.

Notice of motion has been issued in this case.

Mr. Sidakmeet S. Sandhu, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. A.S. Barnala, learned Advocate has appeared for the complainant and contested this petition.

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

A perusal of the record shows that FIR in the present case has been registered in the year 2017. Jagwinder Singh is named in the FIR. As per the prosecution version, an agreement to sell has been executed between the complainant and the accused on 27.12.2010 and the sale deed was to be executed in the year 2011. As per the FIR, further extension of date has been mentioned. It is stated that huge amount has been paid even after the date for execution of the sale deed has expired. It is admitted at the time of arguments that no civil suit has been filed by the complainant.

Learned counsel for the petitioner argued that the amount has been paid to the co-accused after the expiry of the date for execution of the sale deed.

The present petitioner has already joined the investigation. As stated he is not required for any custodial interrogation. No useful purpose will be served by sending the petitioner to custody. Nothing is to be recovered from him. The case is based on documentary evidence.

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 30.5.2019 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner 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.

August 20, 2019.

(Inderjit Singh)
Judge

hsp

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