

201 CRM-M-8191-2020

Varinder Kumar and others
v/s
State of Punjab and another

Present : Mr. Sarbjeet Singh Khaira, Advocate for the petitioner.
Mr. Manreet Singh Nagra, AAG, Punjab.
Mr. Munish Puri, Advocate for complainant.

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 438 of Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.0015 dated 02.02.2020, registered under Section 406, 420, 120-B IPC at Police Station Sujampur, District Pathankot.

3. Learned counsel contends that petitioner No.1 is a victim of fraud, while petitioner Nos.2 & 3 are mere attesting witnesses.

4. After arguing for some time, learned counsel for the petitioners states that the case be considered for grant of pre-arrest bail to petitioner Nos.2 & 3 and permission be granted to petitioner No.1 to withdraw the present petition to surrender before the learned trial Court with liberty to file application for regular bail and directions being issued to the learned trial Court to consider and decide the application for regular bail as and when filed, as expeditiously as possible.

5. Learned AAG, Punjab and learned counsel for the complainant have not been able to show that apart from being witnesses to the agreement to sell, petitioner Nos. 2 & 3 have any other role in the matter.

6. In the light of the position noted above, the petition under Section 438 Cr.P.C. is allowed qua petitioner Nos.2 & 3. They shall join

investigation within five days from today and fully cooperate with the

police. In the event of their arrest, petitioner Nos.2 & 3 be released on bail subject to their furnishing bail bonds to the satisfaction of the Arresting/ Investigating Officer. As regards petitioner No.1, the petition under Section 438 Cr.P.C. is dismissed as withdrawn with the liberty as prayed for. In the eventuality of application for regular bail being filed by petitioner No. 1, the learned trial Court shall consider and decide the same, as expeditiously as possible. Petitioner Nos.2 & 3 shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C., failing which the protection granted to them shall stand vacated.

(B.S. Walia)
Judge

July 30, 2020
'PS-Rajneesh'