

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13950 of 2020 (O&M)

Date of decision:04.06.2020

Taufiq Deen

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sunil Kumar Pandey, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

CRM No.12212 of 2020

The Court has been convened through video conferencing due to covid-19 pandemic.

Counsel for the applicant-petitioner submits that he will deposit requisite Court fee, welfare stamp and file the attested affidavit within a period of one week after the lockdown is over. Permitted to do so.

CRM stands disposed of.

CRM-M No.13950 of 2020

Through the instant petition, the petitioner seeks anticipatory bail in case FIR No.465 dated 19.12.2019, under Sections 406, 420 and 120-B of Indian Penal Code, 1860 registered at Police Station Zirakpur, District S.A.S.Nagar.

Learned counsel for the petitioner has submitted that plot in dispute was sold by way of a registered sale deed by Shakuntla Rani in favour of the complainant and mutation was also entered. The allegation against the petitioner who was a neighbour of the complainant, was that he was a mediator in the deal. In 2019, one Parveen Kumar claimed the ownership of the plot. A dispute arose between the parties which was eventually settled by way of mutual compromise on 25.02.2019, whereby it was decided that either the possession of the plot will be given to the complainant or the money will be returned by 25.06.2019. However, when neither of two eventualities took place, FIR was lodged. Counsel has submitted that FIR is not a mode to recover money.

Notice of motion.

On asking of the Court, Ms. Bhavna Mehta, DAG, Punjab, who is available through video conferencing, accepts notice on behalf of respondent. Advance copy of the petition has already been served on the State. Upon instructions from ASI Balwinder Singh, the factual position could not be denied by the State counsel.

I have considered the rival arguments.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. The 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 bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

It is clarified that any observation made herein above shall not be construed as an expression of opinion on the merits of the case. If the petitioner does not join the investigation then it will be open to the State to file an application to recall the order.

June 04, 2020

savita

Whether Speaking/Reasoned

Whether Reportable

(SUVIR SEHGAL)

JUDGE

Yes/No

Yes/No