

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

CRM-M-29674-2020

Date of Decision:- **8.10.2020**

HARI KRISHAN

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harpal Singh Sidhu, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, AAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.23 dated 19.2.2020 under Sections 420, 465, 468, 167, 120-B IPC at Police Station Khuhi Khera, District Fazilka.
2. The FIR was lodged at the instance of Baldev Ram wherein he alleged that he had transferred land measuring 3 'Kanals' and 12 'Marlas' by way transfer deed in favour of his brother Prem Kumar (accused) as per compromise and that out of the said transfer, land measuring 3 'Kanals' was transferred from Rect. No.86, Killa No.3/2 Min. and 12 'Marlas' of land were transferred from Rect. No.86 Killa No.15/1. It is alleged that although the compromise was in writing but complainant's brother Prem Kumar in connivance with 'Patwari' got a wrong 'Tartima' (site plan) prepared in respect of the transferred land and included a portion on

which the complainant had constructed a house although the same was never agreed to be transferred as per compromise.

3. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused in the present case and that he had conducted the demarcation and prepared the '*Tartima*' (site plan) as per record.
4. Opposing the petition, the learned State counsel has submitted that since '*Tartima*' (site plan) had not been prepared as per compromise, therefore, it is apparent that the petitioner was conniving with co-accused Prem Kumar so as to extend undue benefit to him and to deprive the complainant of his residential house. Learned State counsel has however informed that the petitioner has already joined investigation and that he is no longer required for any further investigation.
5. Having regard to the facts and circumstances of the case and while noticing the controversy at hands, I find that it is not a case which would warrant any custodial interrogation especially since the petitioner has already joined investigation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.9.2020 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

8.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**