

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.30906-2020

Date of Decision: November 06, 2020

Hemant Ray @ Pappu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.

Mr. Manreet Singh Nagra, AAG, Punjab.

Ms. Asmeena Singh, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.126 dated 09.08.2020, under Sections 306 and 34 IPC, 1860, registered at Police Station, Lambra, District Jalandhar Rural. The petitioner apprehended his arrest at the hands of police in the above FIR.

On 05.10.2020, the following order was passed:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.126 dated 09.08.2020 registered under Section 306 read with Section 34 of the Indian Penal Code, 1860 at Police Station Lambra, District Jalandhar Rural.

Learned counsel for the petitioner has submitted that the petitioner has committed no offence whatsoever and has been

falsely implicated in the case. In the FIR three versions have been given by the complainant. There is no allegation in the FIR that the petitioner ever abetted the deceased Manish Gupta to commit suicide. There were transactions of sale deeds executed by the petitioner in favour of the deceased in 2019. As mentioned in the sale deeds possession of the land sold was given to the deceased. The complainant has alleged that possession of the land sold was not given to the deceased but the deceased did not file any civil suit for obtaining possession of the land transferred by way of sale deeds executed in his favour. Mutations on the basis of sale deeds have already been sanctioned. The petitioner is ready and willing to do the needful on his part to resolve the dispute, if any. The FIR has been registered by naming the petitioner with the sole motive to harass and humiliate the petitioner. The petitioner is ready to join the investigation and his custodial interrogation is not required for effecting any recovery.

Notice of motion.

Pursuant to supply of advance copy, Mr. Randhir Thind, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

At this stage, Mr. Vikram Anand, Advocate has appeared on behalf of the complainant and he undertakes to file his power of attorney in the registry.

Learned State counsel and learned counsel for the complainant have submitted that possession was not given to the deceased despite execution of sale deeds by the petitioner in his favour. The petitioner alongwith his co-accused went to shop of the deceased on 08.08.2019 and threatened the deceased with dire consequences and threatened to implicate him in false cases. However, learned State counsel and learned counsel for the complainant seek time to file detailed reply.

Adjourned to 06.11.2020.

Reply alongwith relevant documents be filed by the respondents in the Registry before that date.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on his furnishing of bail bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the benefit of protection of interim bail allowed to him. ”

Learned State counsel, on instructions from ASI Manjit Singh, contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Though on 07.10.2020, the complainant was impleaded as respondent No.2, but the notice could not be issued to him as no process fee was deposited.

Considering the stand of the learned State counsel, this Court does not deem it appropriate to adjourn this case only to serve respondent No.2, who is otherwise represented by the State.

The petition is allowed and the interim bail granted by this Court vide order dated 05.10.2020 is made absolute.

November 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No