

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-38314-2019

Date of Decision: 23.01.2020

Kuldeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. N.S. Goraya, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.0161 dated 12.08.2019 under Sections 420 and 120-B IPC, registered at Police Station Dehlon, District Ludhiana. He apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 10.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“Learned counsel for the petitioner contends that FIR No. 0161 dated 12.08.2019 (Annexure P-1) under Sections 420,120B IPC registered at Police Staion Dehlon, District Ludhiana is pertaining to alleged breach of agreement to sell dated 19.01.2018 executed between the owner namely Swaranjit Kaur (mother of the petitioner) and the complainant-Amarjit Singh. According to him,*

*petitioner was not named in the FIR and was only attesting witness to agreement to sell which did not materialise. He submits that civil suit with regard to agreement to sell is pending. It is further contended that custodial interrogation of the petitioner may not be required.*

*Notice of motion for 23.01.2020.*

*Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”*

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer. He further states that during the pendency of the petition, the parties have entered into a compromise and have filed a separate petition for quashing of the FIR, which is fixed for 26.02.2020.

Learned State counsel who is assisted by ASI Sukhwinder Singh does not dispute this fact that the petitioner has joined the investigation and states that the petitioner is not required for custodial interrogation for the time being. He also does not dispute the fact that the compromise has been effected between the parties.

Considering above, the petition is allowed and the interim bail

granted by this Court vide order dated 10.09.2019 is made absolute.

23.01.2020  
*Jasmine Kaur*

(MANOJ BAJAJ)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |