

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45858-2019

Date of Decision: 16.03.2020

Ajaib Singh and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Akshit Aggarwal, Advocate for
Mr. Sherry K. Singla, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. Rahul Vijay Singh Chugh, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.270 dated 06.10.2019 under Sections 447, 511 and 379 IPC, 1860, registered at Police Station Sardulgarh, District Mansa. They apprehended their arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 29.10.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that dispute in the FIR pertains to land left behind by Jaswant Singh (deceased). It is pointed out that the possession of the land was handed over to the petitioners at the time of execution of lease deed dated 07.05.2018 executed by complainant Charanjit Kaur and other legal

heirs of Jaswant Singh (deceased) in favour of the petitioners. Subsequently, an agreement to sell was also executed for the same land in favour of the petitioners on 14.05.2018. He submits that since the sale deed was not executed pursuant to the agreement to sell, the petitioners filed a suit for specific performance of the contract and the same is pending. He submits that dispute between the parties is purely of civil nature and in the given facts, custodial interrogation of the petitioners may not be required.

Notice of motion for 16.03.2020.

Mr. Rahul Vijay Singh Chugh, Advocate has appeared and filed vakalatnama on behalf of the complainant. The same is taken on record.

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

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Kesar Singh does not dispute this fact that the petitioners have joined the investigation and states that they are not required for custodial interrogation for the time being.

granted by this Court vide order dated 29.10.2019 is made absolute.

16.03.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No