

CRM-M-3282-2021

Date of Decision : 16.09.2021

Manoj Kumar

...Petitioner

versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Sukhchain Singh Gill, Advocate
Mr. Pratham Sethi, Advocate for the petitioner.
Mr. Sukhbeer Singh, Asstt. A.G., Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.275, dated 02.11.2018, registered under Sections 406, 420 of IPC, to which Sections 409 and 120-B of IPC were added later on, at Police Station Sohana, District SAS Nagar.

3. On 23.08.2021, the following order was passed:-

“Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 275 dated 02.11.2018 registered under Sections 406, 420 IPC to which Sections 409 and 120-B IPC were added later on at Police Station Sohana, District SAS Nagar.

Learned Senior Counsel assisted by Mr. Pratham Sethi, Advocate contends that the petitioner is a victim of fraud played by the allottee of the plot in question i.e. Sunita Gupta who was allotted more than one plot and sold the plot in question to the petitioner without disclosing the bar under GMADA Rules as per which only one plot in the same draw could be retained by her, that the petitioner was never disclosed by said Sunita Gupta

that she had been allotted more than one plot in the same draw, that she sold the plot in question to the petitioner in the year 2004 whereas the plot in question was cancelled on 05.10.2007 and that the petitioner had already sold the plot in question to one Harjinder Kaur after two months of purchase of the same from Sunita Gupta and that the petitioner is not in the business of property dealing nor has any connection whatsoever with Sunita Gupta i.e. the original allottee of the plot or for that matter with the Estate Officer namely Chet Ram.

Learned Senior Counsel further contends that the main accused i.e. Sunita Gupta who had sold the plot to the petitioner despite the embargo contained in GMADA Rules of being allowed to retain only one plot out of the numerous plots allotted in a draw has already been granted bail by this Court vide order, Annexure P/9 dated 27.08.2020.

Learned State counsel on instructions from ASI Satpal does not dispute the position as noted above and confirms the position as noted above to be the correct factual position. He, however, states that the petitioner be directed to join investigation and fully co-operate in the same.

Adjourned to 08.09.2021.

In the meantime, interim order dated 25.01.2021 staying the arrest of the petitioner is modified. The petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel confirms on instructions from ASI Satpal

Chaudhary that pursuant to aforementioned order as also order dated 08.09.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 23.08.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

6. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

16.09.2021

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Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No