

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204)

CRM-M-8221 of 2020

Date of Decision: 29.06.2021

Kulwant Singh

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Keshav Pratap Singh, Advocate, for the petitioner.
Mr. Amit Kumar Goel, APP, U.T., Chandigarh.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

On February 02, 2020, the following order had been passed:

“Precisely, the allegations are with regard to the forgery of agreement-to-sell and other connected documents pertaining to the property of Amarjeet Singh and Parminder Kaur.

It has been stated by learned counsel for the petitioner that at the earlier instance, an untraced report was submitted in the Court and the learned Illaqa Magistrate had directed further investigation in the matter. It has been further contended that the reports of FSL are substantially in favour of Gurminder Singh, co-accused. The matter was also taken in the Civil Court, wherein the documents in question were subject matter of dispute and the suit instituted by the petitioner has been partly decreed.

Gurminder Singh, co-accused who is stated to be the purchaser of the property in question has already been granted pre-arrest bail. The petitioner is a witness to the agreement-to-sell.

Notice of motion for 16.4.2020.

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.”

Today, learned State counsel, on instructions, submits that the petitioner in this petition has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

29.06.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No