

203 (2 cases)

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(1) CRM-M No. 9200 of 2020 (O&M)
Date of Decision: 23.11.2021

Balraj Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

AND

(2) CRM-M No. 9204 of 2020 (O&M)

Judge Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Gurinder Singh Hayer, Advocate, for the petitioner(s)
(in both cases)

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. This order shall dispose of the present two petitions, seeking grant of pre-arrest bail to the petitioner(s), as the same arise from a common FIR No. 143 of 18.10.2019, registered against the present bail applicant(s) - petitioner(s), at Police Station Sadar, Sri Muktsar Sahib, constituting therein offences, under Sections 419/420/465/467/468/471/120-B of IPC.

2. The bail applicants though are not the party either to the agreement to sell drawn *inter se* vender and the vendee, nor are a party to the apposite registered sale deed, as became executed qua the land

concerned. Furthermore, they are not recipients of the sale consideration

from the complainant.

3. Be that as it may, the afore registered deed, as has become executed, vis-a-vis, the vendee concerned, is alleged to be a sequel of fraud, inasmuch as the vendors of the afore deed, rather impersonating the valid owners of the land concerned. The prosecution alleges that the bail applicants were in know of the afore factum, therefore, their implication in the FIR (supra), as conspirators, hence, is prima facie made out.

4. At this stage, it is not necessary to go into the merits of the afore alleged role of the accused, as, conspirators with the principal accused vis-a-vis the offences (supra), carried in the FIR (supra).

5. However, the learned State Counsel submits, before this Court that the order of 16.03.2020 granting ad interim bail, to the petitioners cannot be made absolute, as the petitioners are not rendering the mandated cooperation to the Investigating Officer concerned.

6. On the other hand, the learned counsel for the petitioners submits, that the petitioners could not initially join the investigations, owing to prevalence thereat of pandemic COVID-19, and, on the subsequent date(s), also they could not render their cooperation to the IO concerned, as they were in custody.

7. In view of the afore valid explanation made by the learned counsel for the petitioners, to the afore contest of the learned State Counsel, to the making of absolute the previous orders granting ad interim bail to the bail petitioners, this Court deems it fit to make absolute the earlier order.

8. Consequently, this Court is constrained to make absolute the order made by this Court on 16.03.2020. However, the making of absolute

(2) of the Code of Criminal Procedure. The Investigating Officer concerned is directed to forthwith ensure the furnishing before him of personal and surety bonds by the bail-applicants, in a sum of Rs. 50,000/- each.

9. In case upon a written Hukamnama by the IO concerned, becoming issued to the bail petitioners, hence mentioning therein the dates, for the bail petitioners appearing, before him, for rendering their cooperation to him, thereupon, the petitioners are to make their appearances, and, in the event of breach thereof, thereupon, it is open for the IO concerned, to make a prayer before this Court, for cancellation of the facility of anticipatory bail, as granted to them.

10. Disposed of, accordingly.

11. Pending miscellaneous application(s), if any, stand(s) disposed of.

November 23, 2021

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>