

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19727-2021

Date of decision-25.10.2021

Tirlok Singh Gill and others

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anuj Raura, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Mohit Jaggi, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.147 dated 21.09.2019 under Sections 406, 420 and 120 Indian Penal Code, 1860 registered at Police Station Mataur, Mohali. The petitioners apprehend their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 20.05.2021 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 contends that the allegations in the FIR relate to agreement to sell dated 16.09.2016, whereas the FIR has been lodged after a long delay on 21.09.2019. According to the learned counsel,

during the pre-cognizance inquiry, the dispute between the parties was found to be of civil nature and despite that finding, the FIR was lodged. He submits that at the time of executing the agreement to sell, a sum of Rs.60 lacs was paid as earnest money and later on, as the deal did not mature, a sum of Rs.10 lacs was returned to the complainant on 25.03.2017 by way of cheque and the rest of the amount was forfeited. It is further pointed out that even after this, the parties remained open for the said transaction and the owner of the property obtained NOC dated 20.12.2018 from the competent authority with a validity of six months for transferring it in the name of the wife of the complainant (Kusum Arora), but the complainant instead of fulfilling his part gave a complaint to police on 06.05.2019. Learned counsel contends that in the above background, the custodial interrogation of the petitioners may not be necessary. Notice of motion for 25.10.2021.

At this stage, Mr. Mohit Jaggi, Advocate, appears on behalf of the complainant.

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. He further submits that the matter has been compromised between the parties.

Learned State counsel who is assisted by ASI Lakhwinder

does not dispute this fact that the petitioners have joined the investigation. He further states that the petitioners are not required for custodial interrogation for the time being.

On the other hand, learned counsel appearing on behalf of the complainant does not dispute the factum of compromise.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 20.05.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

25.10.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No