

CRM-M-21410-2021
Date of decision: 17.08.2021

...Petitioners

...Respondent

(Through Video Conferencing)

Learned senior counsel for the petitioners has argued that on the same set of allegations, earlier FIR No.181 dated 20.10.2016 under Sections 420, 406 IPC was registered in Police Station Civil Lines, District Bathinda on the statement of Randeep Kaur daughter of Darshan Singh. It is further submitted that during the subsistence of that FIR, a compromise was effected between the parties

and an amount of Rs.60.00 lacs was paid back to the complainant and on the basis of said compromise, CRM-M-9798-2017 titled as Santosh Bansal and others Vs. State of Punjab and another was filed, in which the complainant of the said case appeared and acknowledged the compromise and the FIR was quashed.

Learned senior counsel for the petitioners has further argued that now this second FIR has been registered with the allegations that as per agreement to sell dated 20.09.2013 for sale of 18 kanal 09 marlas of land, an earnest money of Rs.60.00 lacs was paid to the accused persons, however, they failed to execute the sale deed. It is further submitted that similar were the allegations in the earlier FIR, however, now a comprehensive FIR has been registered with the addition that the accused persons have undertaken to return double the earnest money and the same was never returned. Learned senior counsel has referred to the investigation part of the FIR, wherein the District Attorney (Legal) has given a report to investigate the case and subsequent to registration of the FIR, during the investigation, the police wanted to cancel the FIR, however, the learned Magistrate has directed further investigation in the case.

Learned State counsel, assisted by learned counsel for the complainant, has, however, submitted that no amount was returned to the complainant and on that pretext, the complainant wanted to produce on record some documents regarding terms and conditions of the compromise, which was subject matter of the earlier petition.

List again on 17.08.2021 with CRM-M-43886-2020.

In the meantime, the petitioners are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they will be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. They will make themselves available for interrogation by a police officer as and when required;

2. They will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

3. They will not leave India without previous permission of the Court.

The documents, if any, be filed with advance copy to learned senior counsel for the petitioners.

The complainant may also submit the documents to the Investigating Officer, which will be dealt with during the investigation.

A photocopy of this order be placed on the file of connected case.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 28.06.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 28.06.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

17.08.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No