

CRM-M-32979-2021

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

CRM-M-32979-2021.
Date of Decision:-22.09.2021.

Jagdev Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bhupinder Ghai, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Parminder Pal Singh, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No.204 dated 24.12.2019 under Sections 420/120-B IPC, 1860, registered at Police Station Maur, District Bathinda.

Mr. Parminder Pal Singh, Advocate has appeared and filed his vakalatnama on behalf of the complainant. The same is taken on record.

On 16.08.2021, this Court had passed the following order:-

*“Prayer in the present petition is for grant of
anticipatory bail to the petitioners in FIR No.204 dated*

CRM-M-32979-2021

24.12.2019 registered under Sections 420/120-B of the Indian Penal Code, 1860 at Police Station Maur, District Bathinda.

Learned counsel for the petitioners inter alia contends that the registered sale deed was executed in which the complainant has also been shown as party and in fact, there is an endorsement by the Sub-Registrar. It is further submitted that a civil suit has already been filed by the complainant with respect to the said sale deed and thus, the civil dispute has been given a criminal colour.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab appears and accepts notice on behalf of the State of Punjab and Mr. G.S. Sidhu, Advocate appears and accepts notice on behalf of the complainant and have opposed the bail.

However, this Court is of the view that the petitioners are entitled to the interim protection.

Adjourned to 22.09.2021.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned counsel for the parties would be at liberty to raise all the arguments on the next date of hearing.”

CRM-M-32979-2021

Learned counsel for the petitioners has submitted that in pursuance of the above-said order, the petitioners have joined the investigation.

Learned State counsel, on instructions from SI Jaspreet Kaur, has submitted that although the petitioners have joined the investigation but the recovery of money is due from them.

Learned counsel for the complainant has opposed the bail application and has stated that the complainant is staying in Rajasthan and she was told that a partition deed is to be executed, whereas, the sale deed has been executed and even the cheques have been paid to her relatives and not to her.

Keeping in view the fact that the present case is primarily a case having civil tappings and even a civil suit has been filed by the complainant with respect to the sale deed, which has been executed and the present FIR has been registered only to exert pressure on the petitioners to gain an unfair advantage in the civil litigation. The document which has been executed is a registered document carrying a presumption with it and in case the same has to be rebutted and the sale deed is sought to be challenged, Civil Court will be the competent Court to adjudicate the said matter. The registration of FIR cannot be used as a handle to recover money from the petitioners, as in case the complainant has a genuine case, the Civil Court would grant the complainant the necessary relief. Moreover, the petitioners have joined the investigation.

Keeping in view the above facts and circumstances, moreso, the fact that the petitioners have joined the investigation, the present petition is allowed and interim order dated 16.08.2021 is made absolute.

CRM-M-32979-2021

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 22, 2021.
sandeep
Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No