

213 (1)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29946-2020
Date of decision-01.09.2021

SHIV KUMAR SHARMA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Mr. Harjot Singh Bains, Advocate
for the complainant.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0135 dated 27.07.2020, under Sections 420/465/467/468/471/120-B Indian Penal Code, 1860, registered at Police Station Nurpur Bedi, District Rupnagar, Punjab. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has argued that as per allegations in the FIR, the land belonging to the complainant was wrongly mortgaged to obtain loan by petitioner-accused persons. According to him, the complainant has himself executed the general power of attorney in

favour of the accused and transferred the rights in the said land in their favour and the dispute, if any, is purely of civil nature and the civil litigation is pending between the parties.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 11.11.2020, whereby, the interim protection was extended to the petitioner. The said order reads as under:-

“Heard.

Adjourned to 04.02.2021.

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 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.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Raj Kumar does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 11.11.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

01.09.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No