

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35409-2021 (O&M)
Date of decision : 02.11.2021

Bhupinder Singh and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Karamjit Singh, Advocate
for the petitioners.

Mr. N.K. Banka, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first bail application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.72 dated 30.07.2021 registered under Sections 420 and 120-B IPC at Police Station Verowal, District Taran Taran.

On 27.08.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner, inter alia, contends that the present dispute is apparently a civil dispute to which a criminal colour is sought to be given. It has been argued that as per the prosecution version an agreement to sell dated 16.01.2018 was executed after a loan had been given by the complainant to petitioner No.1. It is submitted that even the civil suit which has been filed on 13.11.2018 is the suit for recovery and not

for specific performance. Reference is also been made to the written statement filed in the said suit in which it has been specifically stated that the said agreement is fabricated document. It is submitted that at any rate, the entire dispute is based on documents and the Civil Court will finally adjudicate as to whether the agreement in question is genuine or fabricated.

Learned counsel for the petitioner has relied upon the following judgments passed by this Court in support of his arguments:-

- 1. CRM-M-22889-2020 titled as “Avinash Garg Vs. State of Punjab” decided on 26.11.2020.*
- 2. CRM-M-34789-2020 titled as “Manjit Kaur Vs. State of Punjab” decided on 30.10.2020.*

Notice of motion for 02.11.2021.

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 petitioners has submitted that in pursuance of the said order, the petitioners have already joined the investigation.

Learned State counsel, on instructions of ASI Lakhwinder Singh, has submitted that the petitioners have joined investigation in the present case.

Keeping in view the above-said facts and circumstances, more so the fact that the present dispute has civil tappings and the civil suit,

which has been filed by the complainant party, is for recovery and not for specific performance and the entire dispute is based on documentary evidence and also that the petitioners have joined the investigation, the present petition for anticipatory bail is allowed and the interim order dated 27.08.2021 is made absolute. However, the petitioners shall abide by the conditions as provided under Section 438(2) of Cr.P.C. and shall join the investigation as and when called upon to do so by the Arresting Officer / Investigating Officer.

However, nothing stated above shall be construed as an 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 petition.

(VIKAS BAHL)
JUDGE

November 02, 2021
geeta

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No