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

CRM-M-37214-2021

Date of decision : 24.11.2021

Pardeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.150 dated 11.07.2021 registered under Sections 419, 420, 465, 467, 468, 406, 120-B of the Indian Penal Code, 1860 at Police Station City-I Abohar, District Fazilka.

On 09.09.2021, this Court had passed the following order:-

“Prayer in the present petition is to grant anticipatory bail to the petitioner in FIR No.150 dated 11.07.2021 registered under Sections 419, 420, 465, 467, 468, 406, 120-B of the Indian Penal Code, 1860 at Police Station City-I Abohar, District Fazilka.

Learned counsel for the petitioner inter alia contends that the petitioner is not the beneficiary in the present case and he is not the signatory to the agreement to sell dated

*18.06.2019 and is only the witness to the extension of the affidavit dated 01.06.2020 as per the prosecution case. It is further submitted that the petitioner is neither the Lambardar nor the Sarpanch and the FIR has been registered without any report of the handwriting expert. It is further submitted that at any rate, the entire aspect is based on documents and thus, the custodial interrogation of the petitioner is not required. For the said purpose, learned counsel for the petitioner has relied upon the judgment passed by the Coordinate Bench of this Court in **Gian Kaur and another Vs. State of Punjab**, reported as **2018(5) RCR (Criminal) 921**.*

Notice of motion.

On asking of the Court, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 24.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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 petitioner has vehemently submitted that in pursuance of the abovesaid order, the petitioner has joined the investigation.

Learned counsel for the State has opposed the present petition for grant of anticipatory bail to the petitioner.

Keeping in view the abovesaid facts and circumstances, moreso the facts as noticed in the abovesaid order dated 09.09.2021 to the effect that

the petitioner is not a beneficiary in the present case and he is not the signatory to the agreement to sell dated 18.06.2019 and is only a witness to the extension of the affidavit dated 01.06.2020 even as per the prosecution case and also in view of the fact that the petitioner, as per the statement of learned counsel for the petitioner, has joined the investigation and the present case being a case based on documentary evidence, the petitioner would not be required for any further custodial interrogation, the interim order dated 09.09.2021 is ordered to be made absolute.

Accordingly, the present petition is allowed.

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 application.

24.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**