

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

CRM-M-37522-2021

Date of decision-10.09.2021

Kewal Krishan

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Preetwinder Singh Dhaliwal,
Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 (2) read with Section 482 Cr.P.C for cancellation of anticipatory bail granted to respondent Nos.2 to 4 vide order dated 23.08.2021 (Annexure P-2) by the trial Court in case FIR No.106 dated 12.08.2021 registered under Sections 420, 465, 467, 468, 471 and 120-B Indian Penal Code, 1860 at Police Station Dayalpura, District Bathinda.

Learned counsel has argued that the accused-respondents has been wrongly granted the concession of pre arrest bail vide order dated 23.08.2021 (Annexure P-2) passed by learned Additional Sessions Judge, Bathinda, as their custodial interrogation is necessary to find out the name and particulars of the persons, who had typed the alleged forged agreement to sell. He submits that though the accused

had joined the investigation, but as per the stand of the police, they did not cooperate with the investigation.

After hearing learned counsel for the petitioner, this Court finds that the Additional Sessions Judge Bathinda has taken into account the accusations contained in the FIR as well as the other attending circumstances and has passed a reasoned order while extending the concession of pre arrest bail to the accused. It has been specifically noticed that the alleged agreement to sell dated 13.12.2016 (Annexure P-4) is already a subject matter in a suit between the parties pending adjudication before the Civil Court.

In the present petition, the complainant has relied upon the affidavit of attesting witness, namely, Ranga Singh of the agreement to sell, who has stated that the accused wanted to grab the plot belonging to complainant-Kewal Krishan. The said affidavit is dated 15.04.2017 (Annexure P-6) i.e. prior to the filing of the suit and therefore, cannot be construed as relevant to the cause raised in this petition. Otherwise, it is the subject matter of evidence to be examined and considered by the Civil Court or the trial Court in the above FIR.

Apparently, the case of the prosecution is based upon documentary material and the issue of custodial interrogation of the accused can only be raised by the investigating agency and not the complainant. Merely because the ASI stated before the Court that the

accused had not cooperated is not enough to deny the concession of anticipatory bail particularly, when the details of non-cooperation are not highlighted. Even during the course of hearing, the counsel for the petitioner has not been able to show non-cooperation of the accused persons.

Resultantly, no case is made out for cancellation of anticipatory bail granted to respondent Nos. 2 to 4.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

10.09.2021

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No