

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

**CRM-M No.39530 of 2020 (O&M)  
Date of Decision: 17.02.2021**

Baljinder Singh

..... Petitioner

*Versus*

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Harlove Singh Rajput, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior D.A.G. Punjab.

\*\*\*\*

**MAHABIR SINGH SINDHU, J. (Oral)**

Second petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.61 dated 25.03.2016, under Sections 406 and 420 of Indian Penal Code, registered at Police Station Dera Bassi, District SAS Nagar, Mohali.

This Court, while issuing notice of motion on 27.11.2020, passed the following order:-

*“ Inter-alia contends that suit of the complainant (plaintiff) for specific performance of agreement to sell dated 20.12.2013 has already been decreed; thus the present FIR is only misuse of the process of law.*

*Notice of motion for 17.02.2021.*

*In the meanwhile, petitioner will join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing*

*adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”*

Contentends that in terms of the above order, petitioner has joined the investigation.

Learned State Counsel, on instructions from A.S.I. Mewa Singh, has acknowledged that in terms of order dated 27.11.2020, petitioner has joined the investigation and his custodial interrogation is not required.

In view of above, interim order dated 27.11.2020 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

Disposed off accordingly.

( MAHABIR SINGH SINDHU )  
JUDGE

February 17<sup>th</sup>, 2021  
Sachin M.

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |