

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

CRM-M-41181-2020

Date of decision:15.02.2021

Surinder Kumar and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. A.P.S. Sandhu, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. L.M. Gulati, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek anticipatory bail in case bearing FIR No.370 dated 27.10.2020, registered at Police Station Jandiala, District Amritsar Rural, under Sections 420, 467, 468, 471 and 120-B IPC.

On 09.12.2020, this Court passed the following order:-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek anticipatory bail in case bearing FIR No.370 dated 27.10.2020, registered at Police Station Jandiala, District Amritsar Rural, under Sections 420, 467, 468, 471 and 120-B IPC.

Learned counsel for the petitioners contends that initially, one Sukhraj Singh had agreed to sell his land to the complainant, but the complainant had got cancelled the agreement to sell and received his money back from Sukhraj Singh, and that thereafter, one Buta Singh had agreed to sell a plot measuring 800 square yards to the complainant, but later on the same had been sold to one Gurvail Singh. He further contends that in order to adjust the earnest money of the complainant, Mandeep Singh had executed a sale deed in favour of the complainant regarding three acres of land,

amounting to Rs.16.50 lakh, whereas the actual price of the land was Rs.60 lakh, by cancelling an agreement to sell with Balwinder Singh. Learned counsel further contends that now Gurvail Singh, Mandeep Singh and Balwinder Singh have executed affidavits (Annexure P-5) dated 17.11.2020 and dated 07.12.2020 to the effect that the earnest money of the complainant has been duly adjusted. Moreover, the complainant has also filed a suit for recovery against the petitioners.

Notice of motion.

On the asking of this Court, Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of the respondent-State.

At this stage, Ms. Jasneet Mehra, Advocate, puts in appearance on behalf of the complainant.

Learned State counsel, assisted by the learned counsel for the complainant, submits that an amount of Rs.37.50 lakh lakh was taken by the petitioners and cheques amounting to Rs.12.50 lakh given by petitioner No.2-Sharanjit Singh had got dishonoured.

Adjourned to 15.02.2021.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned counsel for the petitioners submits that pursuant to the order dated 09.12.2020 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Rajinder Pal, submits that the petitioners have joined the investigation and are not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 09.12.2020 passed by this Court granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of

Criminal Procedure.

15.02.2021
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(HARNARESH SINGH GILL)
JUDGE

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