

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

CRM-M-41187-2020

Date of decision:15.02.2021

Varinder Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Sukhveer Kaur, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.225 dated 23.11.2020, under Sections 420 and 120-B IPC and Section 52-A of the Wakf Act, 1995, registered at Police Station Nakodar Sadar, District Jalandhar Rural.

On 09.12.2020, this Court passed the following order:-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.225 dated 23.11.2020, under Sections 420 and 120-B IPC and Section 52-A of the Wakf Act, 1995, registered at Police Station Nakodar Sadar, District Jalandhar Rural.

Learned counsel for the petitioner submits that the petitioner executed an agreement to sell dated 31.7.2020 with one Sher Ali qua the movable property existing on the land of the Wakf Board, which had been leased out to him, and that there is a specific clause in the agreement to sell that the petitioner has no objection, if the disputed land is leased out to the purchaser.

Notice of motion.

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

Adjourned to 15.02.2021.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he 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 petitioner submits that pursuant to the order dated 09.12.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Inderjeet Singh, submits that the petitioner has joined the investigation and is 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 petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

15.02.2021

ishwar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No