

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-44163-2020 (O&M)

Date of Decision: 27.08.2021

Harjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Baljinder Singh.

Mr. Mandeep K. Sajjan, Advocate,
for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-26788-2021

In view of the reasons mentioned in the application, the same is allowed and the written reply on behalf of the complainant along with Annexures i.e. R/2-1 to R-5 are taken on record.

CRM-M-44163-2020

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.0092 dated 23.06.2020 at Police Station Kulgarhi, District Ferozpur, under Section 420 IPC.

- 2.

2. At the time of issuance of notice of motion on 28.12.2020, the following order was passed:

“The allegations as per the FIR are to the effect that the petitioner while claiming himself to be owner of 11 marlas of land had entered into an agreement dated 16.3.2018 for sale of the said land and had received the entire sale consideration but despite several requests thereafter he did not execute the sale deed. It is alleged that subsequently the complainant came to know that the petitioner was not even owner of the land in question.

Learned counsel for the petitioner has submitted that it is a case where the complainant in fact is an Advocate who is also running a brick kiln and the petitioner used to purchase bricks on credit from the said brick kiln. In order to furnish some kind of surety, the petitioner had handed over blank stamp paper and blank cheque to the complainant which are now sought to be misused. It has further been submitted that it remains unexplained as to why the complainant who himself is a lawyer despite allegedly having paid the entire sale consideration in the year 2018 chose to remain silent for more than 2 years. It has further been submitted that in fact the manner in which the FIR has been lodged creates doubt inasmuch as the same was lodged on the very day the matter was reported to the police without even bothering to inquire into the matter especially when there was gross delay in the alleged cause of action.

Notice of motion for 20.4.2021.

xx xx xx”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that his custodial interrogation is not required and that he is not wanted in any other case.

4. Learned counsel for the complainant has, however, vehemently opposed the petition and has referred to several complaints submitted by various persons against the petitioner, which have been annexed as Annexures R-2/2 to R-2/5 with the application.
5. I have considered rival submissions addressed before this Court.
6. Out of four complaints being referred to by the learned counsel for the complainant, three have been submitted very recently and on the same date i.e. 12.08.2021 while one complaint i.e. Annexure R-2/5 has been submitted on 30.09.2019. In any case, since the petitioner is stated to have joined investigation and is not even stated to be required for any custodial interrogation and the matter is mainly based on documentary evidence, the petition is accepted and the interim directions issued by this Court vide order dated 28.12.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

27.08.2021

VY/Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No