

203-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.41929 of 2019 (O&M)

Decided on: 08.11.2021

Harwinder Singh @ Happy

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Swarn Tiwana, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Yashpal Thakur, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 74 dated 29.08.2019, under Sections 406, 420, 506, 467, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

The operative part of the order dated 27.09.2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner contends that it is alleged in the FIR that the petitioner is an attesting witness to the agreement to sell entered into on 17.05.2018. He also contends that a total sum of `5,50,000/- is alleged to have been paid by the complainant out of which `3,00,000/- was credited in the account of co-accused Dalbir and `2,50,000/- to the petitioner. He also contends that efforts are being made to settle the dispute. He also contends that in the petition, i.e.

CRM-M No. 39122 of 2019, filed by the wife of the petitioner, the parties were directed to appear before the Mediation and Conciliation Centre of this Court. The proceedings before the Mediator are going on and are fixed today itself....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 27.09.2019, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

Counsel for the complainant has, however, submitted that on an earlier occasion, the petitioner has sought time to explore the possibility of some settlement and the case was referred to the Mediation and Conciliation Centre, however, no result could be formed as for a considerable long time, the Mediation Centre was closed due to COVID-19 situation.

In view of the above, considering the fact that the primary allegations against the petitioner – Harwinder Singh is that he was an attesting witness to the agreement to sell and for a period of about 2 years, there is no allegation against the petitioner that he has misused the concession of bail, this petition is allowed and the interim bail granted to the petitioner vide order dated 27.09.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

08.11.2021
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No