

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM No. M-50682 of 2019
Date of Decision : 16.08.2021

Malkit Singh Mund and another

....Petitioners

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. P.B.S. Goraya, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Paramdeep Saini, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 129, dated 24.08.2019, registered under Sections 420, 120-B IPC, at Police Station Maqboolpura, District Police Commissionerate, Amritsar.

Learned counsel for the respondent-State on instructions from SI Baljinder Singh, Police Station Maqbulpura submits that petitioner No. 1, Malkit Singh Mund has unfortunately died on 30.04.2021 and petitioner No. 2 has already joined the investigation and is not required as of now.

Learned counsel for the petitioners contends that petitioner No. 2 has joined the investigation in terms of order passed by a Co-ordinate

Bench of this Court dated 29.11.2019. Order dated 29.11.2019 is as under:-

“It is contended by the counsel for the petitioners that the present FIR has been concocted by the complainant just to avoid his liability to make the payment of full consideration for the property which is the subject matter of the agreement to sell. Otherwise, the petitioners are neither disputing the agreement to sell nor the fact that the petitioners had received the money mentioned by the complainant. However, after the agreement, the complainant did not come forward to get the sale deed executed. The petitioners had even filed suit for directing the complainant to get the sale deed executed, which is still pending.

Notice of motion for 27.03.2020.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel submits that in terms of the order of this Court reproduced before, the petitioner No. 2 has joined the investigation and no further interrogation is required.

In view of the above, as petitioner No. 1 has already expired, no further orders are required to be passed in the petition qua petitioner No. 1. The order dated 29.11.2019 granting interim bail is made absolute qua petitioner No. 2.

However, petitioner No. 2 shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the

Investigating Agency that petitioner No. 2 is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 16, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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