

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.29369 of 2018 (O&M)
Decided on: 10.11.2021

Sukhwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Atul Kaushik, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Narinder S. Lucky, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No.46 dated 02.06.2018, registered under Sections 420, 467, 468, 471
and 120-B IPC at Police Station Ghanaur, District Patiala.

The operative part of the order dated 30.07.2018, vide
which interim anticipatory bail has been granted to the petitioner, is
reproduced as under:-

*“...Learned counsel for petitioner submits that
petitioner is not a signatory of the agreement on the basis
of which mutation was sanctioned and that agreement was
got prepared by Karnail Singh, Mehar Singh, Mewa Singh
and Ajaib Singh. If the allegations of petitioner are
believed that some lady impersonated as Joginder Kaur, in
that case Mehar Singh and others are liable and not the
petitioner.*

Notice of motion for 15.10.2018.

Mr. Peeush Gagneja, Advocate, who is present in court, has put in appearance on behalf of complainant and filed power of attorney.

Learned counsel for complainant submits that land of Joginder Kaur was transferred in the name of petitioner by his father Mehar Singh. Mutation sanctioned on the basis of agreement of partition has since been cancelled by the Revenue Authorities on the ground that some lady impersonated as Joginder Kaur.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him....”

Thereafter, in a series of orders, the Co-ordinate Bench have tried to get the land demarcated as if the civil dispute between the parties is to be decided during the pendency of the present anticipatory bail.

On perusal of the number of successive orders show that even demarcation was got conducted through the Sub-Divisional Magistrate, Rajpura, and its report is on record.

Counsel for the petitioner has argued that, in pursuance to the order dated 30.07.2018 and other subsequent orders, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State assisted by counsel for the complainant and on instructions from the Investigating Officer, has not

disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

Considering the fact that this petition is pending since 2018 and over a period of 03 years, there is no allegation that the petitioner has either misused the concession of anticipatory bail or has tried to influence the investigation or tamper with the prosecution evidence, this Court finds that the civil right between the parties regarding the agreement to sell or the demarcation of the land is subject-matter of the civil litigation and the present petition remain pending for a period of 03 years, even when there is no allegation of misuse of concession of bail against the petitioner, accordingly, this petition is allowed and the interim bail granted to the petitioner vide order dated 30.07.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

10.11.2021
yakub

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