

204-2

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

CRM-M-3048-2022 (O&M)

Date of decision : 07.03.2022

Ravi Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0212 dated 12.10.2021 under Sections 420, 417, 120-B of the Indian Penal Code, 1860 registered at Police Station Sujanpur, District Pathankot.

On 28.01.2022, the following order was passed :

“Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been moved by petitioner in case FIR No.212 dated 12.10.2021 under Sections 120-B, 417 and 420 IPC, registered at Police Station Sujanpur, District Pathankot.

Learned counsel for the petitioner inter alia contends that version, as alleged in the FIR, is concocted one and there is no iota of truth therein. He further urges that as a matter of fact agreement to sell in respect of property

in question was arrived at between co-accused Vandana Sharma @ Bandana Sharma, wife of petitioner and Vijay Kumar on 20.01.2017 and since said Vijay Kumar did not abide by the terms and conditions of said agreement, above said agreement came to an end on 14.08.2018. He further urges that qua agreement to sell dated 20.01.2017, no litigation is pending till date. He further urges that later on agreement to sell in respect of property in question was arrived at between co-accused Vandana Sharma @ Bandana Sharma and complainant-Shivani Thakur on 24.08.2018 and though in terms of said agreement, co-accused Vandana Sharma @ Bandana Sharma is willing to execute the sale deed of said property, but instead of that complainant-Shivani Thakur has already instituted Civil Suit No.CS/845/2021 (Annexure P/5), which is pending adjudication and at the same time complainant has got registered the instant FIR. He further urges that petitioner has no nexus whatsoever with the alleged offence as he was not party to the above said agreements. He further submits that petitioner is ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Mr. Arun Kaundal, DAG, Punjab, accepts notice on behalf of respondent-State and seeks time to file status report. Complete copy of paper book be supplied to him during the course of the day.

Adjourned to 07.03.2022.

Meanwhile, in the eventuality of arrest of petitioner in the instant case FIR, he shall be enlarged on interim bail subject to his furnishing personal/surety bonds to

the satisfaction of Arresting Officer/Investigating Officer. Petitioner shall join investigation on 31.01.2022 at 10:00 AM sharp before Investigating Officer in Police Station Sujampur, District Pathankot, and on any other subsequent date as informed to him by the Investigating Officer. Petitioner shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.

Status report by respondent-State be filed with the Registry of this Court well before the date fixed with copy in advance to learned counsel for petitioner.”

Learned counsel for the petitioner has contended that the petitioner has since joined the investigation and is fully co-operating.

Learned counsel for the State, on instructions from ASI Yashpal, has stated that the petitioner has since joined the investigation and that he is no longer required for further custodial interrogation as of now.

In view of the above, the order dated 28.01.2022 is made absolute. The petitioner shall, however, join the investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

(ALKA SARIN)
JUDGE

07.03.2022
Yogesh Sharma

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO