

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

CRM-M-9159-2022

Date of Decision: 07.09.2022

Balwant Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 240, dated 15.11.2017, under Sections 420/466/467/468/471/120-B of the IPC, registered at Police Station Gate Hakima, District Amritsar.

On 04.05.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition is for grant of anticipatory bail in FIR No.240 dated 15.11.2017 under Sections 420, 466, 467, 468, 471, 120-B IPC, registered at Police Station Gate Hakima, Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Harpreet Singh, the petitioner has forged the municipal record by entering his name in the original record and sold the same to one Mukesh Kumar. Learned counsel has referred to an order dated 30.11.2019 passed by the Civil Judge (Jr. Divn.), Amritsar, in a

civil suit filed by complainant Harpreet Singh against petitioner Balwant Singh, wherein in para No.4, it is observed that as per case of the complainant-plaintiff, one Davinder Kumar was the original owner and after his death, his son Neeraj Kumar sold the property to the complainant, as per agreement to sell dated 18.08.2016 and as per the documents, petitioner-defendant was a tenant, however, the ownership of Davinder Kumar or Neeraj Kumar was not proved on record and application under Section 39 Rules 1 & 2 CPC was dismissed and now the present FIR has been registered with contrary allegations.

Despite service, no one is present on behalf of respondent No.2- complainant.

List again on 07.09.2022.

In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2 . He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

[ARVIND SINGH SANGWAN]

04.05.2022”

JUDGE

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Ashwani Kumar has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 04.05.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 04.05.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

September 07, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No