

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-18141-2022 (O&M)
Date of Decision:-13.9.2022

Chand Singh and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Garg, Advocate for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.42 dated 26.2.2022, Police Station Sadar Faridkot, District Faridkot, under Sections 420 and 120-B of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 13.5.2022:

“The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.42 dated 26.2.2022, Police Station Sadar Faridkot, District Faridkot, under Sections 420 and 120-B of Indian Penal Code.

The translated gist of the FIR reads as follows:

“Sir, it is submitted that Kishore Singh S/o Nikka Singh S/o Mangu Singh resident of Bhana P.S. Sadar Faridkot executed Agreement of Mortgage and Possession on 27.05.2020 for Rs.3 Lac and another Agreement of Mortgage and Possession on 08.06.2020 for Rs.3,50,000/- and Chand Singh had taken Rs.20,000/- and Nirmal Singh had taken Rs.12,000/-. Both the Agreements have been signed by Nirmal Singh and Chand Singh. Kishore Singh has died. The inheritance has been entered in the name of Nirmal Singh and Chand Singh. Now Nirmal Singh and Chand Singh are further selling this land but our Mortgage amount is not being returned to us. Many times a request has been made to return the amount but they are lingering on the matter. The land is in our possession and they want to take into possession of the land. After summoning Nirmal Singh and Chand Singh sons of Kishore Singh resident of Bhana, our amount be got returned to us.

Sd/-
Sunil Kumar”

Learned counsel for the petitioners submitted that even if the assertions of the complainant as regards sale of mortgaged land are taken to be correct, the possession, in any case, would remain with the complainant though the factum of mortgage is not admitted by the petitioners as the said mortgage is not registered and the document in question is only an agreement to mortgage. Learned counsel for the petitioners has further submitted that, in any case, the allegations would not constitute any criminal liability and at best would be a civil liability.

Notice of motion for 13.9.2022.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when

called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioners have since joined investigation and they are not required for any custodial interrogation. Learned State counsel has informed that the petitioners are not involved in any other case.
4. Having regard to the aforestated position, wherein the petitioners are stated to have joined investigation and are not required for any custodial interrogation and they are not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 13.5.2022 are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

13.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No