

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

203-B

**CRM-M-22933-2022
Date of decision :17.08.2022**

Balwinder Singh and others

.....Petitioners

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Avtar Singh Khinda, Advocate, for the petitioners.

Mr. Bhupinder Beniwal, AAG, Punjab.

Mr. Umesh Aggarwal, Advocate, for the complainant.

SANJAY VASHISTH, J. (Oral)

The prayer in the present petition filed under Section 438 of Cr.P.C., is for grant of anticipatory bail to the petitioner in a case FIR No.57 dated 10.04.2022, under Sections 420, 120-B IPC 1860, registered at Police Station Beas, District Amritsar (Rural).

Contentions on behalf of the petitioners, noted while issuing notice of motion on 25.05.2022, reads as under:-

“ *The petitioners have approached this Court under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.57 dated 10.04.2022 under Sections 420, 120-B of the Indian Penal Code, 1860, registered at Police Station Beas, District Amritsar.*

Learned counsel appearing on behalf of the petitioners inter alia contends that as per the allegations set out in the FIR, it is alleged that the petitioners have executed a sale-deed in excess of the area owned by them. He makes a reference to the entries in the Jamabandi pertaining to the year 2016 for village Rayya, Hadbast No.29 to contend that the vendor- Ranjit Singh was owner to the

extent of 1/256 share out of the total holding measuring 9 Kanals 12 Marlas. He contends that the said share shall calculate 2 Marla 6 Sarsai and that against the said total share of the petitioners, the sale-deed in question was executed with respect to 1 Marla 8 Sarsai. He further contends that there is no offence attracted for any forgery in the FIR so registered. Besides, the complainant is not the person cheated as the complainant has not been defrauded of any valuable property or even allured to hand over any property to any person. He further submits that the petitioners are ready and willing to join investigation and do not suffer from any criminal antecedents. It is pointed out that petitioner No.1-Balwinder Singh is the marginal witness to the sale-deed. Petitioner No.2-Daljit Singh is the vendee/buyer of the property while petitioner No.3-Ranjit Singh is the vendor.

Notice of motion.

Mr. Karanbir Singh, A.A.G., Punjab, who is present in the Court accepts notice on behalf of the respondent-State.

Mr. Umesh Aggarwal, Advocate, appears and accepts notice on behalf of the complainant and files his Memorandum of Appearance, which is taken on record.

To come up for further consideration on 17.08.2022.

In the meanwhile, the petitioners are directed to join investigation as and when so required by the Investigating Agency. In the event of petitioners joining investigation, they shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners submitted that in compliance of the aforesaid order, the petitioners have joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Sukhwinder Singh, states that in view of the order dated 25.05.2022, petitioners have already joined the investigation and are no more required for further investigation of the case.

Learned counsel for the complainant has not opposed the aforesaid statement made by learned State counsel.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 25.05.2022, is made absolute. Needless to say, the petitioners shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

August 17, 2022
anil

(SANJAY VASHISTH)
JUDGE

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