

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

203

**CRM-M-25682-2021
Date of decision: 07.03.2022**

NEERAJ PURI AND ANOTHERPETITIONERS

Versus

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. R.S.Bajaj, Advocate
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

Mr. Naveen Sharma, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners, in case, FIR No. 116 dated 15.06.2021 registered under Sections 417, 465, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Haryana, District Hoshiarpur.

While issuing notice of motion on 07.07.2021, this Court granted interim anticipatory bail to the petitioners with direction to join the investigation. Relevant part of order dated 07.07.2021 reads as under :-

“Learned counsel for the petitioners has contended that the petitioners are bona fide purchasers for the consideration having possessory rights of the land in question and civil litigation in that regard is pending. He has further contended that as a pressure tactic, the present FIR has been lodged by the complainant and that the petitioners are ready ready and willing to join the

investigation.

Notice of motion.

Mr.J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent-State. He seeks time to file detailed reply to the petition.

Adjourned to 26.8.2021.

I find it a fit case to grant interim bail to the petitioners. As such, the petitioners are directed to join the investigation by contacting the Investigating Officer within seven days from today and render all sort of co-operation. The petitioners have to surrender their passports before the Investigating Officer, if they have got ones, otherwise to furnish affidavit in that regard. If in the meanwhile, they are arrested, they be released on bail to the satisfaction of the Investigating Officer/Arresting Officer... ”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioners has, while reiterating submissions made on 07.07.2021, submitted that in compliance with order dated 07.07.2021, the petitioners have joined the investigation and they may be granted anticipatory bail as their custodial interrogation is not required in the case.

On the previous date of hearing i.e. 06.12.2021, learned State Counsel has, on instructions from A.S.I. Madan Lal, acknowledged that in compliance with order passed by this Court, the petitioners have joined the investigation and that their custodial interrogation in the present case is not required. However, learned Counsel for the complainant submitted that recovery is yet to be effected from the petitioners and their custodial interrogation is required in the case and further sought time to file reply.

Today also, learned Counsel for the complainant has opposed the bail application. However, he has not filed any reply.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 07.07.2021 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

07.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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