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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:05.05.2022

1. CRM-M-27141-2021 (O&M)

Inderjit Singh
Vs.
State of Punjab

.. Petitioner

..Respondent

AND

2. CRM-M-29168-2021 (O&M)

Baljit Singh
Vs.
State of Punjab

.. Petitioner

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sarju Puri, Advocate for the petitioner in
CRM-M-27141-2021.

Mr. Saurabh Savara, Advocate for
Mr. Sandeep K. Sharma, Advocate
for the petitioner in CRM-M-29168-2021.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Kunal Choksi, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioners have approached this Court by filing separate petitions under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.68 dated 03.06.2021 registered under Sections 406, 419, 420, 465, 467, 468, 471 and 120-B IPC at Police Station Rahon, District SBS Nagar, who apprehend their arrest at the hands of Police.

On 08.11.2021, this Court had passed the following order:

property mentioned in the FIR and subject matter of four different agreements to sell executed in 2010-2014, by Surjit Singh in favour of complainant-Jagjit Singh, was originally owned by Inderjit Singh and Baljit Singh which was sold to Surjit Singh in the year 1994. He submits that the said property was also a subject matter of civil suit filed by Harbans Kaur against the petitioner Inderjit Singh as well as Surjit Singh, which was based upon an earlier agreement to sell dated 16.07.1993 and the same was decreed on 18.12.2000 in her favour. According to him, with this decree the earlier sale deed executed in respect of the above property by the petitioner in the year 1994, in favour of Surjit Singh stood reversed. He states that the Regular Second Appeal arising out of decree dated 18.12.2000 is pending before this Court, wherein interim order of status quo has been passed.

Mr. Sarju Puri, Advocate, has argued that with this development there was no occasion for the petitioner to impersonate as Surjit Singh, particularly when the complainant himself was aware of the pendency of the Regular Second Appeal. He has further argued that the case of the prosecution was lodged after a long delay which is based upon documentary material. Therefore, the custodial interrogation of the petitioner may not be necessary.

Adjourned to 14.02.2022.

Meanwhile, the petitioner(s) shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner(s) shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner(s) shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the connected file. ”

Learned counsel for the petitioners have stated that in compliance of the above order, the petitioners associated themselves in the investigation and cooperated during interrogation.

Learned State counsel, who is instructed by ASI Subhash Chander, states that indeed the petitioners have joined the investigation and are not required for custodial interrogation for the time being.

Considering above, the petitions are allowed and the interim

bail granted by this Court vide order dated 08.11.2021 is made absolute.

05.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No