

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

CRM-M-32974-2022

Date of Decision: 15.09.2022

Major Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sukhwinder Singh Dhillon, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, 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. 121 dated 21.05.2022, under Sections 420/465/467/468/471/120-B of the IPC, registered at Police Station City Malout, District Sri Muktsar.

On 29.07.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, the petitioner had purchased the property in question vide sale deed dated 28.07.1997 and had paid the money to Bhagwan Dass who was cosharer of the property and one of the vendors. It is further submitted that Bhagwan Dass had got Hari Ram for getting the sale deed registered and the petitioner did not personally know the said Hari Ram. It is contended that the petitioner had thereafter sold the property to one Sandeep Kumar on 17.10.2000

*and had raised building over the same in the year 2005 and the said Sandeep Kumar has also further sold the same to Seema Rani who has been residing in the house, constructed on the plot in dispute and a civil suit has also been filed by the complainant-Bimla Devi in the year 2017, in which, the said Bhagwan Dass was also made a party (defendant No.1) and it is after a period of 25 years that the present FIR has been registered. It is further contended that the petitioner was the bona fide purchaser of the plot in question and had even joined the investigation. *

Notice of motion for 15.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

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 ASI Bhag Chand, 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 29.07.2022 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 29.07.2022 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 15, 2022

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(VIKAS BAHL)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No