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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37581-2021 (O&M)
Date of Decision: 25.01.2022

Rajesh Kumar Sharma and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saurabh Arora, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.163 dated 18.08.2021 under Sections 406, 420 and 120-B IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib. The petitioners apprehend their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 10.09.2021 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel contends that through the sale deed dated 08.03.2017 (Annexure P-8) in favour of petitioners, land owned by vendors, namely, Baljit Kaur and her son-Gurmeet Singh vested with them and as the complainant, namely, Amarjit Singh was trying to dispossess them, they filed a suit for injunction against him. According to learned counsel, the complainant has also filed a suit seeking declaration that the sale deed dated 08.03.2017 is null and void, as the same is result of fraud as no sale consideration was paid by the vendees because the complainant had paid the entire sale consideration to the vendors. It is pointed out that the claim of

the complainant is founded upon the agreement to sell dated 23.12.2016, which did not mature and even in his suit, the vendors of the petitioners are not a party. He submits that entire case of the prosecution hinges upon documentary material, therefore, custodial interrogation of the petitioners may not be necessary.

Notice of motion for 24.01.2022.

At this stage, Mr. Shehbaz Thind, Advocate appears on behalf of the complainant.

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

Learned counsel for the petitioners further states that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Rajinder Singh does not dispute this fact that the petitioners have joined the investigation and are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 10.09.2021 is made absolute.

25.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No