

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

CRM-M-33860-2022

Date of Decision: 15.09.2022

Gurdarshan Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vipul Babuta, 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. 0014, dated 25.01.2022, under Sections 406/420/120/B of the IPC, registered at Police Station Punjab Agriculture University, District Ludhiana.

On 03.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the present dispute has civil trappings and the petitioner is not a party to the agreement to sell dated 20.09.2018. It is further submitted that in fact, even wife of the petitioner had never entered into the said agreement to sell dated 20.09.2018 and the signatures of wife of the petitioner are forged on the said agreement to sell. It is contended that Vipin Kumar Chopra who is similarly placed as the present petitioner has already been granted

anticipatory bail by the Coordinate Bench of this Court vide order dated 05.05.2022 passed in CRM-M-5080-2022. It is further contended that till date, the suit for specific performance has not been filed by the complainant and even the alleged compromise dated 09.06.2021 is not with the present petitioner and it is only the said Vipin Kumar Chopra who is signatory to the said compromise.

Notice of motion for 07.09.2022.

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 State and complainant would be at liberty to produce on record all the relevant documents on the next date of hearing in order to show that the petitioner is not entitled for grant of anticipatory bail.”

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 Harcharan Singh, 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 03.08.2022 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 03.08.2022 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.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

September 15, 2022

nitin

(VIKAS BAHL)

JUDGE

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