

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

CRM-M-35043-2022

Date of Decision: 15.09.2022

Babita Chopra and another

.....Petitioners

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 petitioners 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 08.08.2022 this Court was pleased to pass the following order:-

“Learned counsel for the petitioners inter alia contends that in the present case, the agreement to sell dated 20.09.2018 has never been signed by the petitioners and has submitted that the averments in the said agreement to sell are incorrect inasmuch as at page 16 of the paper book, it has been mentioned that the possession of the property has been handed over to the vendee, whereas the subsequent purchaser is having the possession of the said land. It is highlighted that even in the FIR which has been registered on

25.01.2022, no such allegations have been made. It is further submitted that the petitioners have made representation before the higher police officials and enquiry is pending before ADCP (Investigation) on the aspect of the said agreement being a forged document. It is contended that no suit for specific performance has been filed as yet and the present dispute at any rate has civil trappings.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and Ms. Rishma Verma, Advocate has put in appearance on behalf of the complainant and on a pointed query raised by this Court, she on instructions from Raunak Singh complainant has submitted that the possession has been taken from the complainant party in the year 2021.

Adjourned to 07.09.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

To be heard alongwith CRM-M-33860-2022. “

Learned counsel for the petitioners have 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 petitioners have 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 08.08.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 08.08.2022 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.

September 15, 2022
nitin

(VIKAS BAHL)
JUDGE

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