

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

CRM-M-47907 of 2021

Date of Decision:-20.1.2022

Amandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Karanjit Singh Gill, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Vivek Singla, Advocate
for the complainant.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.0143 dated 12.9.2021, under Section 420 IPC, registered at Police Station Jaitu, District Faridkot.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 15.11.2021. Order dated 15.11.2021 is read as under:-

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.143 dated 12.09.2021, registered

under Section 420 of the IPC, at Police Station Jaitu, District Faridkot. Learned counsel for the petitioner argues that in the present case the allegations against the petitioner is that he had entered into an agreement for the sale of land with the complainant and the said agreement was not executed by the petitioner and the said land was thereafter sold to one Daljit Singh by the petitioner so as to defraud the complainant. Learned counsel for the petitioner further argues that in respect of so called agreement, the complainant has already filed a civil suit claiming specific performance wherein the petitioner has stated before the Court that no such agreement of sale was entered into between the petitioner and the complainant. Learned counsel for the petitioner submits that in the present case the petitioner is denying the execution of the agreement between him and the complainant, which agreement has been the basis of the allegations in the present FIR. Learned counsel for the petitioner further submits that as nothing is to be recovered from the petitioner and he is ready to join and cooperate in the investigation, he be extended the benefit of anticipatory bail.

Notice of motion for 19.01.2022.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel submits that as per the complainant, the petitioner has defrauded the complainant by selling the land to a third party despite there being an agreement between the complainant and the petitioner. Learned State counsel pleads ignorance

about the civil dispute pending qua the said agreement before the Competent Court of Law.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, there is already a civil dispute pending between the petitioner and the complainant qua the agreement, which has been made the basis for registration of the present FIR and in the said proceedings before the civil Court, the stand of the petitioner is that there is no such agreement between him and the complainant and existence of the said agreement is yet to be proved during the trial so as to implicate him, the petitioner has made out a case for the grant of anticipatory bail especially when he has undertaken to join the investigation and cooperate.

Hence, the petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Sukhvir Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 15.11.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 20, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No