

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-52097-2022
Decided on : 15.12.2022

Achhra Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 235 dated 05.10.2022 under Section 420 IPC registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

On 14.11.2022, this Court was pleased to pass the following order:

“Inter alia, contends that in the present case, a civil dispute is sought to be given criminal colour. It is further submitted that even as per the case of the complainant, the last date for execution of the sale deed was 05.05.2022 and in spite of lapse of more than six months, no suit for specific performance has been filed, which prima facie shows that it is the complainant, who is not ready and willing to perform his part of the agreement. It is submitted that it is the case of the complainant that Rs.50,00,000/- was paid as earnest money, where it is the case of the petitioner that out of the said amount, Rs.30,00,000/- was paid to the petitioner through the cheque

and the balance amount of Rs.20,00,000/- was kept by the complainant himself as amount to be deposited in the Bank and the same has not been done by the complainant. It is also submitted that the entire case is based on documents, thus, the custodial interrogation of the petitioner is not required. It is argued that although the punishment for the offence in the present case is less than 7 years, yet no notice under Section 41-A of Cr.P.C. has been given to the petitioner and the same is in violation of the judgment of the Hon'ble Supreme Court in case "Arnesh Kumar V State of Bihar, (2014) 8 SCC 273.

Notice of motion for 15.12.2022.

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 abovesaid order dated 14.11.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Sarajdeen, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 14.11.2022 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 14.11.2022 is

ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

15.12.2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No