

211 (1)

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

CRM-M-731-2023

Date of Decision: 01.03.2023

Harbhajan Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.0159 dated 12.10.2019, under Sections 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station Gidderbaha, District Sri Muktsar Sahib (Annexure P-1).

On 09.01.2023 the following order was passed by this Court :-

“Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.0159 dated 12.10.2019, registered under Sections 420 and 120-B of the Indian Penal Code, 1860, at Police Station Gidderbaha, District Sri Muktsar Sahib (Annexure P-1).

Learned counsel for the petitioner, inter alia, submits that petitioner is about 60 years of age and has been falsely implicated in the case at the instance of one Sukhmandar Singh son of Jeet Singh @ Ajit Singh, S/o Kakar Singh, who is stated to be one of the descendants of Kheon Singh. It is inter se

dispute between the family members of Kheon Singh regarding succession of property, especially regarding inheritance of Bishan Singh, for which, the Civil Suit is already pending between the parties. It is submitted that purely a civil dispute has been given the colour of criminal nature. Learned counsel also submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Sri Muktsar Sahib, vide its order dated 18.01.2020. It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency.

Notice of motion.

On the asking of the Court, Mr. Vinay Kumar Gupta, Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence.

Keeping in view the fact that the petitioner is 60 years of age and a civil suit is already pending between the descendants of Kheon Singh and prima facie, the case is based on documentary evidence; this Court is inclined to grant interim bail to the petitioner.

List on 01.03.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day."

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Surinder Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 09.01.2023 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

01.03.2023

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No