

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

214

CRM-M-5020-2023 (O&M)
Date of decision: 15.03.2023

DHUP SNGH LAMBA AND ANOTHER

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nipun Bhardwaj, Advocate for
Dr. Naresh Kaushik, Advocate the petitioners.

Mr. Tanuj Sharma, AAG Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.55 dated 04.04.2022, under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code, 1860 registered at Police Station Satnali, District Mahendergarh.

On 01.02.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 55 dated 04.04.2022, registered under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Satnali, District Mahendergarh.

Learned counsel for the petitioner submits that the petitioner is a bonafide purchaser for consideration of Rs.13.5 lakh which was paid to the coaccused Kailash who as per revenue record was the owner as on the date of the sale deed i.e. 26.04.2019 and the complainant is stated to be his brother. The complaint has been filed after more than 4 years of the execution of the sale deed and that too not by the LR's of Late Ram Parsad who is stated to have been died in 1994. The complainant is otherwise a stranger to the said property who is alleging the Will to be forged. However, there is no litigation challenging the said Will at the hands of the LR's or anyone else. He further submits that the petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion for 15.03.2023.

At the asking of the Court, Mr. Tanuj Sharma, AAG,

Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 08.02.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

Learned counsel for the petitioners submits that in pursuance of order dated 01.02.2023 of this Court, the petitioners have not only joined investigation but have also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioners and cooperating with the investigation agency. He also submits that at this stage, the petitioners are not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioners is allowed and the order dated 01.02.2023 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioners fail to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

(AMAN CHAUDHARY)
JUDGE

March 15, 2023

S.Sharma(syr)

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No