

201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5883-2022

Date of Decision: 13.01.2023

LAKHVIR SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ashok Paul Batra, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Amandeep Singh, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

On 11.02.2022, the following order was passed:-

“This case has been taken up through Video Conferencing via Webex Facility in the light of Pandemic Covid-19 situation and as per instructions.

The petitioner has approached this Court for grant of anticipatory bail in case FIR No.42 dated 02.10.2021 (Annexure P-5) under Sections 380, 427, 420, 467, 468, 471 and 120-B IPC, registered at Police Station NRI, Ludhiana.

Learned counsel for the petitioner submits that the dispute in the instant case pertains to the 'Will' executed by Manpreet Singh (deceased, brother of the petitioner). It is submitted that a civil suit has already been filed by the petitioner seeking declaration and joint possession. The said civil suit is pending adjudication before the authority. However, with a view to cause prejudice to the rights of the petitioner, the instant FIR has been got registered. The civil dispute has been given flavor to criminal proceedings to pressurize the petitioner to submit to the demands of the complainant.

Notice of motion.

Ms.A.K. Khurana, Deputy Advocate General, Punjab, appears in Court as an advance copy of the petition has been served upon her. She accepts notice on behalf of respondent-State and waives service.

To come upon for further consideration on 16.05.2022.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing his bail bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C."

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Joginder Pal, has not disputed the aforesaid factual aspect. It has been submitted that the recovery of Will and alleged stolen property are yet to be effected.

The legality and validity of the Will is to be adjudicated by the Civil Court which is seized of the controversy.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 11.02.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

13.01.2023.
smriti

(VIVEK PURI)
JUDGE

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