

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214/2

CRM-M-7879-2023 (O&M)
Date of decision: 15.03.2023

SURENDER LAMBA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Pardeep Poonia, Advocate the petitioner.

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 14.02.2023, 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 420,467,468,471,120-B IPC at Police Station Satnali, District Mahendergarh.

Learned counsel contends that the petitioner is not neither been named in the written complaint filed by the complainant nor did his name surface in the inquiry conducted prior to the lodging of the FIR. He has been falsely implicated in the case being neighbour of co-accused Dhoop Singh. The sale deed in question was executed in favour of wife of Dhoop Singh, Gindori. They both have already been granted interim anticipatory bail by this Court vide order dated 01.02.2023 Annexure P-1. He further submits that he is neither the beneficiary nor perpetrator of the crime in any manner. The dispute is primarily between the complainant and his brother Kailash and other family members inter se that has arisen after

more than 3 years of the sale of the land by co-accused Kailash, who is in custody. Besides him, there are 5 more co-accused, who are in custody, against whom there are allegations of either having witnessed the alleged Will or the sale deed. There is no litigation challenging the Will in question at the hands of the LRs or anyone else. The petitioner having no relationship with the Ram Parsad in no manner and is not in possession of the alleged Will, which was got registered in Calcutta. He further submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

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 21.02.2023. 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.

Adjourned to 15.03.2023.”

Learned counsel for the petitioner submits that in pursuance of order dated 14.02.2023 of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is 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 petitioner is allowed and the order dated 14.02.2023 granting interim bail to him, 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 petitioner fails 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 him.

(AMAN CHAUDHARY)
JUDGE

March 15, 2023

S.Sharma(syr)

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No