

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM No. M-7973 of 2023

Date of Decision : 12.07.2023

Vishakha Singh and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Kirandeep Kaur, Advocate for
Mr. Kamaldip Singh Sidhu, Advocate for the petitioners.

Mr. Jaswinder Singh Arora, Deputy Advocate General,
Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No.277 dated 26.12.2020 registered under Sections 420, 120-B IPC at Police Station City-1 Abohar, District Fazilka.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 15.02.2023. Order dated 15.02.2023 is as under:-

“Prayer is for grant of anticipatory bail to the petitioners in criminal case having FIR No.277 dated 26.12.2020 registered under Sections 420, 120-B IPC at Police Station City-1 Abohar, District Fazilka.

Counsel for the petitioner inter alia contends that the petitioners are falsely implicated in the present case on the basis of one agreement to sell dated 20.4.2013 alleged to be

executed by the petitioners and Harjeet Singh and Gurjit Singh with Neeraj Thathai son of the complainant-Asha Rani. He further submits that actually, no such agreement dated 20.4.2013 was ever executed or signed by the petitioners in favour of Neeraj Thathai or any other person and they never received any amount as has been mentioned in the alleged agreement. He further submits that apparently, it appears that agreement to sell in question was signed by Gurjit Singh and Harjeet Singh only and they have been granted anticipatory bail by the Court of Additional Sessions Judge, Fazilka vide orders dated 19.5.2021 (Annexures P-4 and P-5). He further submits that both the petitioners, who are having no criminal history, are ready to join the investigation with the police.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and on instructions from ASI Satpal submits that the petitioners along with Gurjit Singh and Harjeet Singh entered into an agreement to sell their land, with Neeraj Thathai on 20.4.2013 and received huge amount as earnest money from the proposed vendee. However, the State counsel has not disputed the fact that agreement to sell dated 20.4.2013 is not bearing signatures of the present petitioners and further, the main accused Gurjit Singh and Harjeet Singh are granted concession of anticipatory bail vide orders Annexures P-4 and P-5.

Now be listed on 12.7.2023.

In view of above, the petitioners are hereby directed to join the investigation with the police and in case of arrest, they are to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioners are also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.”

Learned State counsel, on instructions from HC Jagjit Singh

states that in terms of the order dated 15.02.2023 reproduced before, the

petitioners have joined the investigation and no further interrogation is required.

In view of the above, the order dated 15.02.2023 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands allowed in above terms.

July 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*

Whether reportable? *Yes/No*