

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

203

2023:PHHC:114755

CRM-M-14491-2022

Date of decision: September 1st, 2023

Dharam Pal and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Dev Singh, Advocate
for the petitioners.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer is for grant of anticipatory bail in case FIR No.0019 dated 26.02.2022 under Sections 420, 417, 406, 120-B IPC registered at Police Station Taragarh, District Pathankot.

Vide order dated 06.04.2022, the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“FIR was lodged on the complaint of one Bodh Raj, who stated that being interested in purchasing a house, he approached the petitioner. The complainant was told by the petitioner that there was a house available in the same locality of the complainant within the Laal Lakir measuring 7 marlas. Naresh-son of the petitioner had already purchased that house from one Sushma Devi for which he paid a sum of Rs.50,000/- to Sushma Devi and rest of the amount of Rs.2 lacs still remained to be paid to her. The petitioners agreed to sell that house to the complainant for Rs.2,90,000/-. The complainant paid Rs.40,000/- at the time of entering into agreement with

the petitioners and the remaining sum of Rs.2,50,000/- were paid to the petitioners on 25.03.2021. It is alleged when the complainant went to take possession of the house, he found that the house as mentioned in the agreement, belongs to Rakesh Kumar of Bhatoya. It is the case of prosecution that on the complaint being moved, the petitioners agreed that he would return the entire amount of Rs.2,90,000/- to the complainant, however, he backed out of the deal.”

Learned counsel for the petitioners submits that in compliance of order dated 06.04.2022, the petitioners have joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Rambir Singh, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioners are not required for further investigation much less for their custodial interrogation.

In view of the above, the petition is allowed and interim order dated 06.04.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

September 1st, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No