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

CRM-M-22708-2021 (O&M)

Date of decision : 24.08.2023

Harjinder Singh and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. C.M. Munjal, Advocate
and Mr. Sameer Sachdeva, Advocate,
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Lakhwinder Singh.

Mr. Jagdeep Singh, Advocate,
for Mr. GBS Dhillon, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') has been filed for grant of pre-arrest bail to the petitioners in FIR No.0051 dated 21.05.2021, under Sections 419, 420, 465, 467, 468, 471 & 120-B of the Indian Penal Code, 1860, registered at Police Station Makhu, District Ferozepur.

2. Allegations against the petitioners are that they have forged the signatures of complainant-Dharminder Singh and prepared an agreement to sell with intention to usurp his land.

3. The Coordinate Bench, on 10.06.2021, granted interim bail to petitioners and relevant part of the same is recapitulated as under:-

“The primary allegations against the petitioners, who are the uncle (chacha) and cousin of the complainant are that after the death of the father of the complainant, they forged an agreement to sell whereby the complainant purportedly agreed to sell 26 Kanal of land to the petitioners for a sum of Rs. 6 lacs per acre.

Learned counsel for the petitioners at the outset states that the petitioners will not enforce the said agreement to sell against the complainant.

Notice of motion for 22.09.2021.

Meanwhile, in the event of arrest, the petitioners shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioners are also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

4. Contends that in terms of the aforesaid order, petitioners have already joined investigation and their custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioners is not required at this stage.

6. Although, learned counsel for the complainant vehemently opposed the prayer of petitioner, but State of Punjab is not seeking

custodial interrogation; therefore, objection raised by learned counsel for the complainant is rejected.

7. In view of above, interim order dated 10.06.2021 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.

11. Pending application(s), if any, shall stand disposed off.

24.08.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

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