

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-22245-2023

Date of Decision:31.07.2023

Sumeshwar Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab assisted
by ASI Naveen Kumar.

DEEPAK GUPTA, J.(ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.75 dated 08.04.2022 registered under Sections 420 & 120-B of the IPC registered at Police Station City Kapurthala, District Kapurthala.

On 04.05.2023, following order was passed:

“Prayer in this petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail in case FIR No.75 dated 08.04.2022 registered at Police Station City Kapurthala, District Kapurthala under Sections 420 and 120-B IPC.

Allegations are that sale deed dated 10.02.2011 in respect of the land of Hardev Singh was executed by his late brother Shiv Dev by impersonating as Hardev; whereas petitioner Sumeshwar Singh, who is the brother of Hardev Singh as well as Shiv Dev, identified Shiv Dev as Hardev. The beneficiary of the sale deed is Jaswinder Kaur. FIR has been lodged on the complaint of Hardev Singh, who later on came to know about the sale deed.

It is contended by learned counsel for the petitioner that sale deed was executed way back in February, 2011 and that during all this period, no complaint was ever made. It is further contended that

the petitioner is not the beneficiary; that the case is dependant upon documentary evidence and that he is ready to join the investigation.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent- State.

Adjourned to 31.07.2023 for filing status report.

In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

On instructions from ASI Naveen Kumar, it is conceded by learned State counsel that petitioner has since joined the investigation. In view of the same and having regard to the factual position noticed earlier on 04.05.2023, the petition is allowed and the order dated 04.05.2023 granting interim anticipatory bail to the petitioner, is made absolute.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

July 31, 2023

Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No