

(206)

2023:PHHC:110646

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23857 of 2023

Date of Decision: August 24, 2023

Kapil Dev Sharma @ Kapil Sharma
Versus
State of Punjab

...Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sukhcharan Singh Gill, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Pankaj Bali, Advocate for respondent No.2.

DEEPAK GUPTA, J.(Oral)

On 16.05.2023, the following order was passed by this

Court:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.009 dated 14.3.2023 registered under Sections 406, 420 IPC at Police Station Block Majri, District SAS Nagar.

Learned senior counsel submits that earlier in the year 2012, the petitioner sold his share out of the joint khewat for consideration of ₹4.5 lakh to the complainant vide registered sale deed dated 21.3.2012. Later on, it was found that the land cannot be partitioned as there are 600 co-sharers in the joint khewat. Faced with this situation, now the petitioner is ready to return the entire sale consideration worth ₹4.5 lakh but in view of the fact that the complainant is to execute registered cancellation deed and further sale deed in favour of the petitioner but even at present, there is ban of registration of sale deeds with regard to land of village Mirzapur, Block Majri.

Learned senior counsel further submits that in order to show his bonafide, the petitioner through his relatives has handed over 6 cheques worth ₹2 lakh each to the complainant which are to be encashed only as and when the complainant performs her part of the compromise. He further submits that the petitioner is facing one

another criminal case in which he is already enlarged on bail. It is further submitted that the petitioner is 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 Paramjit Singh has not disputed the factual assertions made by the learned senior counsel appearing for the petitioner.

Notice to the complainant be served through investigating officer for the next date of hearing.

Now be listed on 24.8.2023.

In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is 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 petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.”

It is informed by learned State Counsel that in compliance of the order dated 16.05.2023, petitioner has since joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 16.05.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

August 24, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No