

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

CRM-M-24330-2023

Date of Decision: 04.12.2023

SUBHASH CHANDER

...Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yogesh Goel, Advocate.
Mr. Apurav Kamboj, Advocate
Mr. Lakshay Goel, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Mr. L.S. Sidhu, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No. 0096 dated 25.04.2023 under Sections 420 and 120-B IPC registered at Police Station Haibowal, District Ludhiana.

2. While issuing notice of motion of 12.05.2023, a Coordinate Bench of this Court had noticed the following contentions of the petitioner:

“Learned counsel for the petitioner contends that petitioner is neither the signatory nor the witness of the alleged agreement and the said transfer deed dated 02.12.2022 was transferred in favour of daughter of the petitioner and subsequently the same was transferred in the name of her father i.e. present petitioner. Learned counsel further submits that the alleged amount of earnest money i.e. Rs. 9,00,000/- was transferred in the name of Shalini Grover, daughter of the petitioner, through bank transaction and a suit for specific performance is already pending before the civil Court for the execution of sale deed. Learned counsel further submits nothing is to be recovered from the petitioner and he is ready to join the investigation.”

2. Thereafter, vide order dated 19.09.2023 the petitioner had been granted interim anticipatory bail with direction to join investigation.

3. Learned counsel for the petitioner submits that in compliance of order dated 19.09.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Ram Krishan, Police Station Haibowal, Ludhiana, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 19.09.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
(JUDGE)

04.12.2023

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