

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25821 of 2023
Date of decision: 13th September, 2023

Harpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. T.S. Grewal, Advocate for the petitioner.
Mr. Mohit Kapoor, Add. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.46 dated 07.04.2023 under Sections 420, 120-B IPC registered at Police Station City-1, Malerkotla, District Malerkotla, Punjab.

2. On the last date of hearing, i.e. 19.05.2023, while noticing the following submissions made by learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner inter alia contends that the civil dispute has been given criminal tinge and the petitioner, who is brother of Surjit Singh, has been falsely implicated in the present case. He further submits that only allegation against the petitioner in the FIR is that he was witness to agreement to sell dated 09.09.2021 executed

between the complainants and Surjit Singh. He further submits that petitioner has nothing to do with the agreement to sell dated 09.09.2021 executed between the complainants and Surjit Singh except that he was one of the witnesses. He further submits that he is not the beneficiary. He further submits that civil litigation between complainants and Surjit Singh and Sukhpreet Kaur is pending in the Civil Court at Malerkotla (Annexure P-3). He further submits that in order to implicate whole relations of Surjit Singh, he has been wrongly implicated in the present FIR. He further submits that petitioner is not involved in any other case and he is ready and willing to join the investigation.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 19.05.2023, the petitioner has joined investigation and cooperated with the investigating agency. It has been further submitted that the parties have arrived at an amicable settlement before the Mediation and Conciliation Centre of this Court.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He submits that the dispute between the parties was pertaining to an agreement to sell, however, pursuant to the compromise effected between them, sale deed has also been executed yesterday, i.e. 12.09.2023. Learned State counsel, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 19.05.2023 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

September 13, 2023

rps

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