

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207

CRM-M-27539-2022

Date of decision : 23.01.2023

Gurmukh Singh and another

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Toor, Advocate, for petitioner No.2.
 Mr.Sumit Luthra, DAG, Punjab.
 Mr.P.P.S.Thethi, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. petitioner No.2 seeks anticipatory bail in FIR No.0074 dated 04.06.2022 registered under Sections 406, 420 and 120-B IPC at Police Station Mullanpur, District S.A.S.Nagar.

On 06.07.2022 this Court had passed the following order: -

“CRM-22809-2022

Application is allowed, as prayed for.

Documents i.e. Annexures P-5 and P-6 are taken on record, subject to all just exceptions.

Registry is directed to tag the same at an appropriate place.

CRM- M-27539-2022

At the outset, learned counsel for the petitioners submits that petitioner No.1, namely, Gurmukh Singh, has already been arrested and thus, the present petition has become infructuous qua petitioner No.1.

Dismissed as having become infructuous qua petitioner No.1 only.

Through the instant petition, petitioner No.2, namely, Baljit Kaur, seeks anticipatory bail in case bearing FIR No.74 dated 04.06.2022, registered under Sections 406, 420 and 120-B IPC, at Police Station Mullanpur, District SAS Nagar.

Learned counsel for the petitioners submits that the agreement to sell in question was executed on 11.02.2016; that the sale deed was to be executed on 12.10.2016; that, though the complainant had paid the earnest money, yet the fact remains that the date of execution of the sale deed was extended and that on the date of the execution of the sale deed, the petitioners went to the Office of Collector and marked themselves present but the complainant did not turn up.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG Punjab, accepts notice on behalf of the respondent-State.

Mr. PPS Thethi, Advocate appears and accepts notice on behalf of the complainant. He submits that till date no suit for specific performance

of the agreement to sell has been filed.
Adjourned to 04.11.2022.
Meanwhile, petitioner No.2 is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.
However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

In addition to the submissions recorded in the afore quoted order, learned counsel for petitioner No.2 submits that petitioner No.2 alongwith co-accused-Gurmukh Singh have also filed CRM-M-57671-2022 “*Gurmukh Singh and another vs. State of Punjab and another*” seeking therein quashing of the FIR in question in which this Court has issued notice and granted stay of further proceedings before the Trial Court.

Learned State counsel submits that in pursuance to the afore quoted order petitioner No.2 has joined and cooperated with the investigation and that the State no longer requires petitioner No.2 for investigation purposes.

In the light of the submissions made on behalf of petitioner No.2 as have been recorded in the afore quoted order and because in the aforesaid petition being CRM-M-57671-2022 this Court has stayed the proceedings before the Trial Court in the FIR in question as also on account of the statement made on behalf of the State, the order of this Court dated 06.07.2022, granting ad interim anticipatory bail to petitioner No.2 is ordered to be made absolute.

23.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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