

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-28483-2023

Date of decision: 05.09.2023

Sanjeev Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raman Mohinder Sharma, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.86 dated 16.5.2023 registered under Sections 406 IPC at Police Station City-1, Abohar District Fazilka.

2. On 01.06.2023, while noticing the following submissions made by the 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:-

“The counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case at the instance of complainant-Rishu Kumar, who is alleging that the petitioner has withdrawn amount of Rs.58,000/- deposited by him in the name of his daughters in the post office, by forging the signatures of the complainant. The counsel for the petitioner further submits that during inquiry, it was found that no such forgery was committed by the petitioner. It was further submitted that actually complainant entered into an agreement to sell his property with the petitioner on 29.2.2020 and thereafter another agreement to sell dated 17.8.2021 was executed by the brother of the complainant in favour of the petitioner as by that time, complainant had already transferred the property to his brother and complainant received Rs.30 lac as part payment of the sale consideration from the petitioner but thereafter failed to execute the sale deed of the concerned property in favour

of the petitioner, on which, the petitioner filed suit for possession by way of specific performance of agreement to sell in question against the complainant and his brother and in the meantime, complainant lodged present FIR against the petitioner. The counsel for the petitioner further submits that in order to show his bona fide, the petitioner is ready to deposit Rs.58,000/- with the Court of Illaqa Magistrate but the same is not to prejudice his defence.”

3. Learned counsel for the petitioner submits that in compliance of order dated 01.06.2023, the petitioner has joined investigation and cooperated with the investigating agency. He has submitted that the undertaking given by the petitioner to deposit ₹58,000/- with the Illaqa Magistrate has also been done. Learned counsel further submits that during the pendency of the instant petition, the parties have amicably settled their dispute and a petition under Section 482 of the Cr.P.C. for quashing of the FIR in question has been filed, still further statements of the parties before the Trial Court have also been recorded with respect to the compromise so effected.

4. Learned State counsel, on instructions from ASI Lal Chand, 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 01.06.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

05.09.2023

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(MANJARI NEHRU KAUL)

JUDGE

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