

2023:PHHC:101886

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

213

CRM-M-30004-2023 (O&M)
Date of decision: 07.08.2023

Parminder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.S. Paul, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 08.06.2023, this Court had passed the following order:-

“Learned counsel for the petitioner submits that petitioner is a whistle blower in the present case, since in the Tehsil office, sale is being registered on the basis of forged documents. One Punjab Singh and Gurcharan Singh approached the petitioner and his cousin brother to purchase their land and agreement to sell dated 12.04.2022 (Annexure P-2) was executed by the petitioner and his cousin brother being sellers in favour of aforesaid Punjab Singh and Gurcharan Singh being purchasers. Sale deed was to be executed on or before 25.04.2023. After some time, Punjab Singh and Gurcharan Singh again approached the petitioner and told that they wanted to carve out a colony on the said land. So, certain formalities are to be completed. On their request, General Power of Attorney (GPA) dated 31.01.2023 (Annexure P-3) was given to them and it was written that they could apply to the concerned officer for the necessary documents and could further apply for NOC. A further agreement dated 31.01.2023 (Annexure P4) was executed with clear instructions that they would not execute any sale deed in favour of third person till they do not become the absolute owner of the property. The petitioner later came to know that Punjab Singh and Gurcharan Singh executed five sale deeds in favour of Saroj Devi and others. He immediately got the aforesaid GPA cancelled on 12.04.2023 (Annexure P-5). The petitioner filed civil suit (Annexure P-7) against Punjab Singh and Gurcharan Singh and also against the persons in whose favour, sale deeds were executed. The parties to the suit were referred to the Conciliation Centre, Patiala, where the parties arrived at a settlement dated 08.05.2023 (Annexure P-9). The parties agreed that they had no objection if the sale deed executed by

Punjab Singh and Gurcharan Singh, on the basis of GPA, is set aside. Accordingly, suit filed by the petitioner was decreed vide judgment dated 13.05.2023 (Annexure P-10).

The case in hand was filed by the Superintendent Regu (Estate Officer), Regu (PDA), Patiala, for taking action against the persons, who forged NOC. The petitioner neither forged any document nor executed the sale deed and moreover, sale deeds which have been executed, have already been got cancelled. No party has been benefited from the forged NOC.

Notice of motion.

Pursuant to advance notice, Mr. Sarabjit Singh Cheema, DAG, Punjab has put in appearance on behalf of the respondent State and seeks time to file reply.

Adjourned to 07.08.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the Arresting Officer/Investigating Officer on furnishing of bail bonds/surety bonds by him, to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Reply, if any, be filed in the meanwhile.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 08.06.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the petitioner fails to join and

cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

August 07, 2023
M.Kamra

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