

2023:PHHC:153589

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

CRM-M-31083-2023
Date of Decision : December 01, 2023

Gagandeep Singh	Vs.	Petitioner
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ravinder Singh, Advocate for
 Mr. Harjot Singh Bedi, Advocate
 for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

When this matter came up for hearing on 23.06.2023, the following order was passed :-

“The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.56, dated 23.05.2023, under Sections 420, 120-B of IPC, registered at Police Station Fatehgarh Sahib.

Notice of motion.

At the asking of the Court, Mr. J. S. Arora D.A.G., Punjab, appears and accepts notice on behalf of respondent-State. A copy of the paper book be supplied to him during the course of the day. He seeks some time to file status report.

At this stage, Mr. Sukhdeep Singh, Advocate puts in appearance and filed his Vakalatnama on behalf of complainant. Same is taken on record.

Adjourned to 13.07.2023.

Status report be filed on or before the next date of hearing with advance copy to the counsel opposite.”

Thereafter, on 25.7.2023, the following order was passed :-

“The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.56, dated 23.05.2023, under Sections 420, 120-B of IPC, registered at Police Station Fatehgarh Sahib.

Status report by way of affidavit dated 21.07.2023 of the Deputy Superintendent of Police, Sub-Division Fatehgarh Sahib, District Fatehgarh Sahib, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has no role to play in the present case and the agreement to sell in question were executed by the father of the petitioner.

Notice of motion was issued by a Coordinate Bench on 23.06.2023.

Learned State counsel and learned counsel for the complainant, submit that Karnail Singh-father of the petitioner, executed agreements to sell on 22.04.2021 and 17.05.2021 and thereafter, one more agreement to sell was executed by him and the petitioner was the consenting witness therein.

I have heard the learned counsel for the parties.

Though the agreement to sell in question were executed by Karnail Singh-father of the petitioner to sell his property but the sale deed was not executed by him, thereafter, the complainant have filed a suit for specific performance, wherein the petitioner is not a party and the civil suit is still pending.

Adjourned to 18.09.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he 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.”

Thereafter, on 20.11.2023, the following order was passed :-

“The counsel for the petitioner submits that the petitioner has joined the investigation in compliance of the order dated 25.7.2023.

The above mentioned fact is disputed by the learned State counsel stating that the petitioner has not joined the investigation.

Petitioner is directed to join the investigation, once again.

List again on 01.12.2023.

Interim order to continue.”

Counsel for the petitioner submits that he has no instruction.

The learned State counsel, on instructions from ASI Kamaljit states that the petitioner has not joined the investigation.

In view of the above, the present petition for grant of anticipatory bail stands dismissed.

December 01, 2023
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(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO
Whether reportable :YES / NO