

205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-39965-2022
Date of Decision: 15.03.2023

Gurcharan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Bikamjeet Singh Jatana, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.56 dated 18.03.2021 (Annexure P-1), under Sections 120-B, 323, 379-B, 420, 447, 465, 467 and 468 of the Indian Penal Code, registered at Police Station City Samana, District Patiala.

On 05.09.2022, the following order was passed by a co-ordinate Bench of this Court :-

“The learned counsel for the petitioner has submitted that it is a case where two other co-accused, who are the signatory of the agreement to sell have been granted interim bail by this Court. He submitted that although the present petitioner is not at parity with the other co-accused but the dispute in the present case is with regard to a plot but no sale has been executed since the plot is within the area of Lal Dora. He further submitted that the allegation against the petitioner is that despite the fact that he lost the case with

regard to the civil litigation and still he had sold the plot to Tejinderpal Singh. He submitted that the said civil suit was only for a permanent injunction but it was not the suit for declaration and, therefore, it did not confer any right upon any party.

Notice of motion.

Mr. Amit Rana, Sr. Deputy A.G., Punjab accepts notice on behalf of the State of Punjab and prays for some time to seek instructions.

Adjourned to 15.3.2023.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Head Constable Jagdish Kumar, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 05.09.2022, passed by a co-ordinate Bench of this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

15.03.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No