

2023:PHHC:126647

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

210

CRM-M-39766-2023 (O&M)
Date of decision: 27.09.2023

Des Raj

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None

AMAN CHAUDHARY. J.

1. In view of the request letter circulated by Bar Association, the lawyers are abstaining from work.
2. On 11.08.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.98 dated 04.07.2023, registered under Sections 406, 420 and 120-B IPC, at Police Station Balongi, District SAS Nagar (Mohali).

Learned counsel contends that the petitioner being a property dealer had brokered the deal of land between the complainant and one Gurdeep Singh, agreement of which he had witnessed. Since, there was a dispute with regard to the said land, another agreement was entered into by the above-mentioned parties, as witnessed by him. An amount of Rs.22,40,000/- was paid at the time of the agreement to sell and thereafter, two cheques amounting to Rs.10,00,000/- and Rs.15,10,000/- respectively given to the complainant, which though got dishonoured, but no proceedings regarding it were instituted. There is no allegation against the petitioner that he had received any amount, other than his commission of Rs.80,000/- or that he had knowledge with regard to subsequent land having been previously sold. The dispute relates to the year 2018, however, the complaint regarding the same, based on which FIR has been registered, was filed in the year 2023. There was one more case registered against him, which stands compromised. The petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal,

DAG Punjab. accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 18.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 27.09.2023. ”

3. ASI Angrej Singh appears in person and submits that the petitioner has joined the investigation and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for any 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 11.08.2023 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

September 27, 2023
M.Kamra

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