

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

**CRM-M-43749-2022
Date of Decision: 15.03.2023**

Birinder Jit Singh @ Barinderjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ramneek Singh Baweja, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab
for the respondent/State.

Mr. K.D.S. Sidhu, Advocate
for the complainant.

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.179 dated 23.08.2022 (Annexure P-1), under Sections 120-B, 420, 467, 468, 471 and 506 of the Indian Penal Code (offence punishable under Section 82 of the Indian Registration Act, added later on), registered at Police Station Civil Lines, Patiala.

Status report by way of affidavit dated 06.03.2023 of Mr. Sanjeev Singla, P.P.S., Deputy Superintendent of Police, City-1, District Patiala, filed by learned State counsel in Court today is taken on record, subject to all just exceptions.

On 22.09.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 420, 467, 468, 471, 506 and 120-B IPC, and Section 82 of the Indian Registration Act, which was added lateron, in a case arising out of FIR No. 0179, dated 23.08.2022, registered at Police Station Civil Lines, Patiala.

Learned counsel for the petitioner submits that complainant – Gursukhwinder Singh had executed a Special Power of Attorney in favour of co-accused Raghbir Singh and Birinder Jit Singh @ Barinderjit Singh (present petitioner), vide Vasika No. 1105/4, dated 21.07.2003, in respect of an area measuring 1 Bigha and 10 Biswas, situated at village Ablowal, District Patiala. Learned counsel submits that allegation in the FIR is that after execution of the said Special Power of Attorney, area in excess to 1 Bigha and 10 Biswas has been sold out by attorney holders and earned benefits have been usurped by both the attorneys.

Learned counsel for the petitioner points out to all the sale deeds executed, as mentioned in paragraph No. 3 of the present petition, and submits that none of these sale deeds, which have been allegedly executed by Special Power of Attorney holders, have been executed by the petitioner nor signed in any manner as a witness whatsoever.

Notice of motion.

On asking of the Court, Mr. Anmol Singh Sandhu, Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

At this stage, Mr. Kamaldeep Singh Sidhu, Advocate, has put in appearance on behalf of the complainant and in response to the arguments of learned counsel for the

petitioner, submits that just after one month of execution of the Special Power of Attorney, area has been sold out by the attorney holders and the benefit has been shared by both of them.

As on date there is nothing available that in what manner petitioner has been benefited with the alleged sale proceeds. Thus, I am of the view that concession of ad-interim anticipatory bail can be extended to the petitioner. Accordingly, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.

Adjourned to 18.01.2023.”

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

Learned counsel representing the complainant has opposed the prayer of petitioner for grant of anticipatory bail.

However, learned State counsel, on instructions from Sub Inspector Karamjit Singh, 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 as per State counsel, his custodial interrogation is not required at this stage, accordingly, order dated 22.09.2022, 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