

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

**CRM-M-43193-2023 (O&M)
Date of decision : 11.10.2023**

Gurneesh Singh @ Gurnish Singh Grewal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Jasleen Kaur, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab
for the respondent-State.

Mr. Munish Gupta, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.37 dated 03.03.2023, under Sections 420, 409, 467, 468, 471, 120B IPC, registered at Police Station Pasyana, District Patiala.

(2) Above FIR was registered on the statement made by Complainant-Navdeep Singh, District Revenue Officer, Patiala, alleging that an Exchange Deed was executed in the year 2011 between Davinder Hospital Trust and the petitioner for exchange of land. Pursuant to the Exchange Deed, mutation No.1487 dated 29.07.2011 was entered in records of village Sullar, Tehsil Patiala. It is alleged that in mutation records, the resolution

vide which other members had given powers of attorney to Harinder Singh, does not bear signatures of any member despite that mutation has been sanctioned; thus, the same is wrong and illegal.

(3) This Court vide order dated 05.09.2023, granted interim bail to petitioner and the same reads as under:-

“Mr. N.S.Gill, Advocate for Mr. Munish Gupta, Advocate has filed Power of Attorney on behalf of the complainant.

It transpires that incident pertains to the year 2011; whereas the present FIR is registered on 03.03.2023.

Contentends inter alia that Mutation No.1487 was sanctioned on 29.07.2011 and the same has not been set aside till date by the competent authority.

Learned Counsel for the complainant seeks time to file short affidavit in this regard.

Posted for 11.10.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Gurmeet Singh, submits that petitioner has joined investigation and his custodial interrogation is not required.

(6) On the other hand, learned counsel for the complainant vehemently opposed the prayer of the petitioner.

(7) Since, State of Punjab is not asking for custodial interrogation; therefore, the objection raised by the complainant is rejected.

(8) In view of above, interim order dated 05.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(10) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(11) Disposed off accordingly.

11.10.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No