

CRM-M-50117-2021

Date of Decision: 13.02.2023

Ram Lubhaya and others

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajan Sharma, Advocate, for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Sunil Mallan, Advocate and

Mr. Sanjay Kapoor, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in FIR No.239 dated 19.10.2021 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Cantonment, Amritsar.

By virtue of the order dated 05.04.2022, while granting interim protection, the petitioners were directed to join investigation.

It has been contended by learned counsel for the petitioners that the petitioners have joined the investigation and fully cooperated. He has submitted that the dispute pertains to the money transaction on account of the sale of the land between the parties. He submits that at the time of sale deed the petitioners issued two cheques worth Rs.3 lacs each, however, out of two cheques, one cheque of Rs.3 lacs was dishonoured but the petitioners within three days issued a fresh cheque of the same amount, which was honoured. He submits that thus, total sale consideration of Rs.6 lacs was already paid to the complainant. He has submitted that the land in dispute is also not in possession of the petitioners and the same is with the third party. He submits that there is civil dispute pending between the parties before the Civil Court.

He submits that admittedly, the total sale consideration has already been paid to the complainant. He has submitted that the petitioners have joined the investigation and they are ready to go before the Investigating Officer as and when called and will fully cooperate with the same.

Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that in fact the agreement was not regarding the sale consideration, but it was with regard to mortgage of land, however, he has disputed the payment on account of sale consideration. He further submits that the signatures on the receipt allegedly issued by the complainant were also forged. However, he affirms the submissions of learned counsel for the petitioners that civil litigations are pending between the parties. He has also submitted that another dispute pertaining to the issuance of five cheques as security given to the petitioners is also pending between the parties.

Learned State counsel on instructions from ASI Lakhwinder Singh has submitted that the petitioners have joined the investigation. He has submitted that the FSL report is also received in which the signatures of the complainant were found to be different from his original signature. He further submits that as per his instructions, the petitioners are not involved in any other case.

After hearing learned counsel for the parties, it is apparent that the petitioners have joined the investigation. As submitted by learned State counsel, the petitioners are not involved in any other case. Though both the sides are disputing the factual aspects, but the same is matter of investigation and thus, the case needs to be thoroughly investigated and to be tried by the

learned trial Court. This Court would refrain itself from commenting anything on the merits of the case.

In the facts and circumstances, the order dated 05.04.2022 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C. and the petition stands allowed.

As the main case has been decided, there is no need to pass any order in CRM-9181-2022 and the same is disposed of.

13.02.2023			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No