

103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 44348-2023
Date of decision: 05.09.2023*Dudh Nath*.....*Petitioner**Versus**State of Punjab*.....*Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Jagjot Singh Lalli, Advocate
for the petitioner

-.-

Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 79 dated 12.06.2023, registered under Sections 420 and 120-B of the Indian Penal Code, at Police Station Meharban, Ludhiana (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner is not shown to have entered into an agreement to sell with the complainant in any manner. The name of the petitioner is shown to be involved in the matter only on the basis of the stipulations contained in the agreement to sell, executed by co-accused Darshan Lal in favour of the complainant; that the petitioner had purchased the property in dispute. However, neither had the petitioner ever purchased the said house nor had he ever entered into an agreement to sell with the complainant. In fact, the petitioner is a Barber in the village and he doesn't have any concern with the

property involved in the case. There is no other case pending against the petitioner. Hence, the petitioner deserves to be protected against his arrest.

3) Notice of motion.

4) Mr. Sandeep Singh, Additional Advocate General, Punjab accepts the notice on behalf of the respondent - State.

5) Counsel for the State, being instructed by ASI-Surjit Singh, has submitted that the name of the petitioner is duly mentioned in the FIR along with two other co-accused. The agreement to sell, executed by the co-accused Darshan Lal, specifically mentioned that the petitioner had purchased the property in question. However, there is no allegation against the petitioner that he ever received any money from the complainant or that the petitioner had ever entered into an agreement to sell with the complainant qua the property in question.

6) In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall 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.

(Rajbir Sehrawat)
Judge

September 05, 2023

mohan bimbra

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No