

CRM-M-45103-2023 (O&M)

-1-

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45103-2023 (O&M)
Date of decision : 29.11.2023

Gurprem Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. P.S.Dhaliwal, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
for the respondent.

Mr. Hitesh Verma, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.121 dated 05.08.2023, under Sections 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station Barnala, District Barnala.

2. Above FIR was registered on the basis of statement made by one Jaspreet Kaur with the allegations that petitioner along with his companions got fraudulently executed an agreement to sell her 08 Kanal land @ Rs.8 lakh per acre.

3. A Coordinate Bench, on 12.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Inter alia contends that civil litigation is already pending between the parties and petitioner has been falsely implicated just to put pressure on him to withdraw that suit.

Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab and seeks time to file report with regard to antecedents of the petitioner. Mr. Hitesh Verma, Advocate, appears and accepts notice on behalf of complainant.

Adjourned to 20.09.2023.

In the meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps *qua* arrest of the petitioner shall be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438 (2) Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Baljinder Singh, and further stated that custodial interrogation of the petitioner is not required at this stage.

6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.

7. In view of the above, interim order dated 12.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

CRM-M-45103-2023 (O&M)

-3-

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. 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.
10. Disposed off accordingly.
11. Pending application(s), if any, shall also stand disposed off.

29.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No