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

**CRM-M-52095-2022 (O&M)
Date of decision : 26.07.2023**

Atul Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kapil Mohan Singla, Advocate,
for Mr. S.S. Grewal, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.58 dated 08.04.2021, under Sections 420 & 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Canal Colony, District Bathinda.

2. It transpires that above FIR was registered on the basis of statement made by one Narotam Dass to the effect that petitioner impersonated as Satnam Singh, owner of the land, at the time of execution of agreement to sell on 22.10.2018.

3. This Court, on 23.02.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“This is the third petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 0058 dated 08.04.2021, under Sections 420 and 120-B of the IPC, registered at Police Station Canal Colony Bathinda, District Bathinda, Punjab.

Learned counsel for the petitioner would contend that in fact the said FIR that has been registered, does not name the petitioner as an accused. The allegations against the petitioner are that he had impersonated Satnam Singh, owner of the land at the time of execution of the agreement to sell and had signed the agreement in his place. It is argued that the agreement to sell was in fact signed between the actual owner himself and the complainant-Narotam Dass and an amount of Rs. 50 lakhs was also received as earnest money by said Satnam Singh and not the petitioner herein. It is further argued that in fact a compromise has been effected between the petitioner and the complainant in the chamber of an Advocate and a sum of Rs.19 lakhs has been handed over to the complainant and, therefore, since recovery if any to be made, have to be made from Satnam Singh, the petitioner herein may be allowed the concession of anticipatory bail. He would rely upon a compromise purportedly executed between the petitioner and the complainant.

On the filing of the instant petition for grant of anticipatory bail based on the compromise, learned State counsel was directed to verify the contents of the compromise as relied upon by learned counsel for the petitioner. A status report by way of an affidavit of Sh. Vishavjeet Singh Maan, PPS, Deputy Superintendent of Police, City-1, District Bathinda has been filed in Court today, which is taken on record. The same would indicate that the compromise between the petitioner and the

complainant is genuine and that the complainant has received a sum of Rs.19 lakhs from the petitioner.

Learned counsel for the petitioner, at this stage, would urge that the complainant has in fact received all the money and is now holding out for more.

Be that as it may, without going into the issue whether the complainant has received his entire sum or not, this Court deems it appropriate to allow the concession of interim anticipatory bail to the petitioner herein in view of the statement given by the complainant himself that he has received an amount of Rs.19 lakhs.

The petitioner is directed to join investigation within a week and on his doing so, in the event of arrest, the petitioner be released on interim bail subject to the satisfaction of Arresting/Investigating Officer. The petitioner shall join the investigation thereafter as well, as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

Adjourned to 26.07.2023.”

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

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 23.02.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. 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.
9. Disposed off accordingly.

26.07.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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