

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

**CRM-M No.53639 of 2023 (O&M)
Date of decision : 21.12.2023**

Reena and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K.Choudhary, Advocate for petitioner No.1.

Mr. B.K.Mehta, Advocate for respondent No.2
(joined through Video-Conference).

Mr. C.L.Pawar, Addl. A.G., Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.0096 dated 18.09.2023, under Sections 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station, Division No.1, District Pathankot.

(2) Above FIR was registered on the basis of statement made by complainant-Brij Mohan with the allegations that petitioners cheated the complainant party by not executing the sale deed of land in question.

(3) This Court, while issuing notice of motion on 31.10.2023, granted interim bail to petitioners and the same reads as under:-

“Concededly as per the Agreement to Sell dated 17.01.2012, last date for execution of sale-deed was 17.01.2014, but the complainant remained complete silent and it is the only allegation that on 07.01.2018, i.e. approximately after a period of 6 years, some amount was received by the present petitioners.

Prima-facie, suit for specific performance would not be maintainable, at such a belated stage.

Notice of motion for 21.12.2023.

In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioners shall also 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, petitioners have already joined the investigation and their custodial interrogation is not required.

(5) Learned State Counsel, on instructions from A.S.I. Kuldeep Raj, submits that petitioners have joined investigation and as on today, their custodial interrogation is not required.

(6) In view of above, interim order dated 31.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(7) It is also made clear that petitioners 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.
- (10) Pending application(s), if any, shall also stand disposed off.

21st December, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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