

CRM-M-54500-2023 (O&M)

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101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54500-2023 (O&M)
Date of decision : 14.12.2023

Vikram Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Gourav Jain, Advocate,
for the petitioner.

Mr. C.L.Pawar, Additional Advocate General, Punjab,
for respondent No.1.

Mr. Kanwaljeet Singh, Advocate,
for respondent No.2.

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.131 dated 11.08.2022, under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Division No.2, District Ludhiana.

2. Above FIR was registered on the basis of statement made by one Varinder Kumar with the allegations that petitioner forged the revenue record and sold the property to co-accused.

3. The Co-ordinate Bench, on 26.10.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of

anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 420, 465, 467, 468, 471 and 120-B IPC, in a case arising out of FIR No. 131, dated 11.08.2022, registered at Police Station Division No.2, Ludhiana.

Learned counsel for the petitioner submits that as per the version of the FIR, the main allegation of creating fake documents of the property in question is against one Harvinder Singh and Malkiat Singh (property dealers). It is further submitted that there is nothing alleged in the FIR version that what role has been played by the petitioner in the process of preparing the fake documents. He also submits that the dispute is in regard to the property over which the complainant-Varinder Kumar is alleging his ownership as well as possession for the last more than 70 years. He further contends that the appropriate remedy for the complainant over the issue of possession and ownership of the property is to approach civil Court instead of applying undue pressure by lodging the present FIR. He also contends that till date, complainant has not filed any civil suit.

Learned counsel also contends that the offence is triable by the Court of Magistrate and in case some protection is extended to the petitioner, he would join the process of law and would co-operate with the investigation proceedings.

Learned counsel also points out that one quashing petition i.e. CRM-M-39875-2023 for seeking quashing of FIR No.131, under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Division No.2, Ludhiana, is pending adjudication before this Court for 31.10.2023.

Notice of motion.

Mr. C.L. Pawar, Addl. A.G., Punjab, who is present in Court accepts notice on behalf of respondent/State.

Adjourned to 12.12.2023.

In the meanwhile, petitioner to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.”

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4. Contends that matter has been amicably settled between the parties i.e. petitioner as well as respondent No.2. Also 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, and further stated that custodial interrogation of the petitioner is not required at this stage.
6. Learned counsel for respondent No2/complainant also acknowledges the factum of compromise.
7. In view of the above, interim order dated 26.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
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.

14.12.2023

adhikari

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No