

CRM-M-57063-2023
Date of Decision: 08.12.2023

...PETITIONER

...RESPONDENT

Mr. Ravinder Mali, Advocate
for the complainant.

HARPREET SINGH BRAR J. (ORAL)

1. Through instant petition, the petitioner is seeking anticipatory bail in a case bearing FIR No.320 dated 15.10.2023 under Sections 456/448/427 of IPC registered at Police Station Dera Bassi, SAS Nagar, Mohali Punjab (Anneuxre P-1).
2. On 10.11.2023, following order was passed:

“This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.320 dated 15.10.2023 under Sections 456/448/427 of IPC registered at Police Station Dera Bassi, SAS Nagar, Mohali Punjab (Anneuxre P-1).

Learned counsel for the petitioner inter alia contends that the complainant in the present case is the real brother of the petitioner. The dispute involved in the present case is purely civil in nature. The brother of the petitioner has already executed sale agreement *inter se* with respect to the shop owned by Inderjeet Singh without the knowledge of the petitioner. The maximum sentence in relation to the offence in which the present FIR is registered, is three years.

Notice of motion.

On the asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State.

At this stage, Mr. Ravinder Malik, Advocate puts in appearance on behalf of the complainant and files his vakalatnama in the Court today which is taken on record. Registry is directed to tag the same at an appropriate place.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352*, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 22.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 08.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions, submits that in compliance of order dated 10.11.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. In view of the statement of learned State counsel, order dated 10.11.2023 is made absolute. The petitioner shall abide by the terms and conditions as enumerated in Section 438(2) of Cr.P.C.

5. Petition stands disposed of.
6. Nothing observed hereinabove shall be construed as
expression of opinion of this Court on merits of the case and trial Court
shall proceed without being prejudiced by observations of this Court.

08.12.2023
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(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>