

CRM-M-10478-2024
Date of decision: 04.04.2024

Gurmej Singh

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0005 dated 16.01.2024 under Sections 120-B/419/420/465/467/468/471 of IPC registered at Police Station Sadiq, District Faridkot (Annexure P-1).

On 28.02.2024, the following order was passed:-

‘The instant petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.0005 dated 16.01.2024 registered under Sections 120-B, 419, 420, 465, 467, 471 IPC at Police Station Sadiq, District Faridkot.

Learned counsel for the petitioner, inter alia, contends that the petitioner is not the beneficiary, as he is only an attesting witness to the sale deed and he identified Balwinder Kaur under the bona fide impression. The sale deed in question has been challenged by the complainant by filing a civil suit and the mutation has already been cancelled by the revenue authorities.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. A.G.,

Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

At this stage, Mr. Arunjeet Singh Kakkar, Advocate has put in appearance on behalf of the complainant and files his vakalatnama, which is taken on record. He opposes grant of anticipatory bail to the petitioner on the ground that the petitioner in connivance with the main accused has identified a wrong person as the seller and thus, committed a fraud upon the complainant.

*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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab(1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 06.03.2024 and on his doing so or in the event of arrest, 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 04.04.2024.

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. '

Learned State counsel on instructions from ASI Jaijeet Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Mr. I.B.S. Dhaliwal, Advocate puts in appearance on behalf of respondent No.2 and files his power of attorney in the Court today which is taken on record. He vehemently opposed the prayer anticipatory bail to the petitioner.

In view of the statement of learned State counsel, order dated 28.02.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.04.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No