



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16017-2024

Date of Decision: 28.10.2024

KANWALJEET SINGH @ PRINCE
Vs.

...Petitioner

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Brijesh Nandan, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

On 03.04.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

Through the instant petition filed under Section 438 CrPC, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.30, dated 22.02.2024, under Sections 177, 420, 465, 467, 468 and 120-B of IPC, registered at Police Station Navi Baradari, District Jalandhar.

In asking for the relief of pre-arrest bail, learned counsel for the petitioner submits that the property in dispute pertains to maternal grandmother (Nani) of the present petitioner, who bequeathed the said property to petitioner's mother by virtue of a Will and therefore, the dispute raised by the sibling of the petitioner, is purely civil in nature.

At this stage, Mr. G.S.Bal, Senior Advocate, assisted by Ms.Lovepreet Kaur, Advocate, caused appearance on behalf of the complainant and draws attention of this Court to the antecedents of the present petitioner, wherein, it is found that the petitioner is involved in 20 other cases of similar nature.

Though this Court is not inclined to take cognizance of the antecedents of the petitioner at this stage, considering the fact that the instant dispute pertains inter se the family, however, in order to check the bona fide of the present petitioner, this Court directs him to place on record the instruments which led the transfer of the property in question in the name of his mother, and, therefore, in the name of the present petition.

Adjourned to 18.04.2024.

2. On 14.05.2024, the following order was passed:

3. A perusal of Annexure A-1, wherein becomes enclosed an affidavit sworn by the petitioner, reveals that, a compromise/panchayati settlement has been arrived at between the parties. Moreover, Annexure A-1 also contains the admission of the



petitioner that, he had wrongfully and deceitfully got transferred the property in question initially in favour of his mother/co-accused Jaswinder Kaur and thereafter, got it transferred further in his own favour.

4. The learned counsel for the petitioner submits that although the petitioner is ready and willing to abide and comply with the terms and conditions of the compromise/panchayati settlement, which is available on record as Annexure A-2, however, he requires 15 days' time for the said purpose.

5. Since the request made by the learned counsel for the petitioner appears to be bona fide and it is not opposed by the learned counsel for the complainant, therefore, list the instant petition on 30.05.2024 in the urgent list.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer, thereby enabling him to make compliance of the compromise/panchayati settlement (Annexure A-2). The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

3. In reference to the undertaking given to this Court, both the petitioners caused the appearance before the Civil Court concerned, and got their respective statements recorded to the fact that the sale deed in question be annulled. "The statements made by counsel for the petitioners has not been refuted or disputed by learned counsel for the complainant. He further submits that the petitioners shall be ordered to abide by the statements they suffered before the Civil Court, and direction be also passed that they shall not cause any impediment in conclusion of the trial of the civil suit by adopting any dilatory tactics." The statement made by the counsel for the complainant is duly accepted by the counsel for the petitioner and has also stated that they will not retract from their respective statements, as made before the learned Civil Court concerned.

4. Learned State counsel on instructions imparted to him by police official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and is no longer required for custodial interrogation.

5. In view of the above, the hereinabove extracted interim order dated 14.05.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-



“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

6. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

8. All pending application(s), if any, also stand **disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

28.10.2024

kv

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