



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-19491-2024

Date of Decision : May 28, 2024

SAKINDER SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Arvind Kashyap, Advocate for the petitioners.
Mr. Akshay Kumar, AAG, Punjab.
Mr. Aharjot Grewal, Advocate for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 22.4.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seek the concession of anticipatory bail, in case FIR No.87 dated 11.03.2024, under Sections 406/420/465/468/471/120-B of the IPC, registered at P.S. Sohana, District S.A.S. Nagar.

2. Succinctly stated, the allegations levelled against the petitioners in the present FIR, are that, they along with their co-accused - Harkirat Singh fraudulently got transferred 24 Kanals land of the complainant's company, on the basis of one forged and fabricated resolution of the complainant's company.

3. The learned counsel for the petitioners, in his asking for grant of the relief (supra), submits that the petitioners are the bona fide purchasers of the disputed land, whose sale deed was executed way back on 20.10.2015, which was succeeded by the sanctioning of a mutation in favour of the petitioners. Out of the total sale consideration of

**CRM-M-19491-2024**

Rs.1,85,00,000/-, (i) an amount of Rs.75,00,056/-, i.e. Rs.50,00,056/- through RTGS mode and Rs.25,00,000/- in cash, was paid by the petitioner No.1 to the complainant; (ii) an amount of Rs.25,00,000/- was paid by the petitioner No.1 to co-accused Harkirat Singh, who claimed himself to be authorized signatory of the complainant's company; (iii) an amount of Rs.50,00,056/- was paid by the petitioner No.2, through bank transaction, to co-accused Harkirat Singh, as per directions of the complainant; (iv) an amount of Rs.35,00,000/- was also paid by the petitioners to the seller before execution of the sale deed. He further submits that even in the Jamabandi for the year 2020-2021, the name of the petitioners has been recorded in the column of ownership.

4. At this stage, Mr. Prashant Vir Gupta, Advocate, records his appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today, and, opposes the grant of anticipatory bail to the petitioners, on the ground that, since the original resolution of the complainant's company is available with the petitioners, therefore, their custodial interrogation is very much essential.

5. Be that as it may, since the present case, which pertains to the year 2015, is based upon documentary evidence, and, the bank transactions inter se the parties are also not disputed, it appears that the matter requires thorough investigation, for which the petitioners have expressed their readiness and willingness to join the investigation and to cooperate with the investigating agency.

6. Notice of motion for 14.05.2024.

7. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab, and, he is directed to filed a specific reply, detailing therein the role of the petitioners, besides detailing the incriminatory material collected by the investigating agency, which connects with the



CRM-M-19491-2024

petitioners with the alleged crime. Moreover, the said reply shall also make disclosures whether the complainant has been declared a “Proclaimed Person/Offender”, or, whether any proclamation proceedings have been initiated against him.

8. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel has filed reply by way of affidavit of DSP, City-II, District SAS Nagar (Mohali), which is taken on record. He further submits that on instructions imparted to him by ASI Gulshan Kumar, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 22.4.2024 is, hereby, made absolute subject to the condition that the petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(KULDEEP TIWARI)
JUDGE

May 28, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No