

2024:PHHC:009200
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21411-2023
Date of Decision:24.01.2024

Amarpreet Singh ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Vivek Puri, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

Mr. Kuldeep Sharma, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.PC with a prayer to grant anticipatory bail to him in case FIR No.45, dated 11.04.2023, under Sections 406/420 of IPC, registered at Police Station Lalru, District SAS Nagar.
2. Learned counsel for the petitioner contends that the dispute between the parties is of civil nature and the petitioner had executed two sale deeds in favour of the complainant. Learned counsel further submits that the entire case is based on documentary evidence and the said evidence has already been taken into possession by the police, during the course of investigation.
3. Learned State counsel on instructions from ASI Pawan Kumar, has submitted that the petitioner has joined the investigation and is no longer required for further investigation.
4. On the other hand, learned counsel appearing on behalf of the

complainant has vehemently opposed the prayer made by the petitioner on the ground that the petitioner has sold the plots to some other persons. He further contends that even the plots have been illegally mortgaged by the petitioner to somebody else.

5. However, it is an admitted fact that the present complainant is the first purchaser of two plots in question and by any stretch of imagination it cannot be stated that the complainant was cheated by the present petitioner. Still further, it is an admitted case of the parties that the subsequent purchasers have not made by complaint to anyone.

6. I have heard the learned counsel for the parties and perused the record.

7. In the present case apparently, the present case hinges upon the documentary evidence, which has already been taken into possession by the police, during the course of investigation. Even as per the learned State counsel, the petitioner has joined the investigation and is no longer required for the purpose of investigation and no purpose will be served by sending the petitioner behind the bars.

8. In view of the above statement made by learned State counsel, the interim order dated 03.07.2023 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 Cr.PC.

(N.S.SHEKHAWAT)
JUDGE

24.01.2024
hitesh

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