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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27069-2022(O&M)

Date of Decision: 27.08.2024

Raghubir Singh

...Petitioner

vs.

State of Punjab and another

...Respondents

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. G.S.Madan, Advocate
for the petitioner.

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

Mr. Prateek Pandit, Advocate
for respondent No.2/complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant concession of pre-arrest bail in case FIR No.02 dated 26.05.2022 under Sections 420, 406, 120-B of IPC, at Police Station City, NRI, District Jalandhar.
2. While issuing notice of motion on 12.07.2022, this Court had noticed the following contentions:-

“The counsel for the petitioner contends that the matter in dispute is having traits of civil dispute. The counsel refers to two agreements to sell (Annexure P-1 dated 17.05.2019 and Annexure P-2 dated 30.05.2019). The counsel further contends that aforesaid agreement to sell dated 17.05.2019 was executed by Harjit Kaur through her husband/ attorney Surinder Singh regarding property in question in favour of Amandeep Singh, as per which Amandeep Singh paid Rs.5 lakhs as earnest money to the proposed vendor. The counsel further contends that thereafter



agreement to sell Annexure P-2 was executed by aforesaid Harjit Kaur in favour of Amandeep Singh and Gurminder Kaur wife of petitioner Raghbir Singh to the extent of 60:40 and both the proposed vendees paid the entire sale consideration in that ratio. The counsel for the petitioner further contends that the petitioner or his wife never committed any offence and rather Harjit Kaur and her husband Surinder Singh committed fraud as they were having no clear title regarding the property qua which they executed agreements to sell Annexures P-1 and P-2. The counsel for the petitioner further contends that subsequently one compromise was effected between Harjit Kaur (Surinder Singh) and Gurminder Kaur but Harjit Kaur failed to comply with the terms and conditions of the said agreement. The counsel further contends that FIR has already been registered against Harjit Kaur and her husband Surinder Singh at the instance of Gurminder Kaur for committing fraud and the copy of the same is Annexure P-3. The counsel for the petitioner further contends that the petitioner is ready to join the investigation and even otherwise he is also ready to settle the dispute amicably with complainant Amandeep Singh.”

3. Learned State counsel submits that the petitioner has joined the investigation and is no longer required for further investigation.
4. Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner on the ground that specific allegations have been levelled against the present petitioner and he does not deserve the concession of bail, by this Court.
5. I have heard learned counsel for the parties and perused the record.



6. It is not in dispute that in compliance of interim orders passed by this Court, the petitioner has repeatedly joined the investigation. Apparently, the case is based on documentary evidence and the custodial interrogation of the petitioner may not be required at this stage.

7. In view of the statement made by learned State counsel, the present petition is allowed and the interim order dated 12.07.2022, passed by a Co-ordinate Bench of this Court is made absolute. The petitioner shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) of the Cr.P.C.

8. Pending application(s), if any, stand(s) disposed of

(N.S.SHEKHAWAT)
JUDGE

27.08.2024.
hemlata

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