



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-28393-2023
Decided on :20.05.2024

Nitin Chopra

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Hargun Sandhu, Advocate and
Mr. Rishab Tiwari, Advocate
for the petitioner.

Mr. M. S. Longia, Addl. AG, Punjab with
Mr. T. P. S. Chawla, Sr. DAG, Punjab.

Mr. Vikas Bali, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

1. The present petition has been filed under Section 438 Cr.P.C.
for grant of pre-arrest bail to the petitioner in case FIR No. 84 dated
06.05.2023 under Sections 420 and 120-B of the Indian Penal Code, 1860
registered at Police Station Cantonment, Police Commissionerate
Amritsar.

2. On 02.06.2023, a Co-ordinate Bench of this Court was
pleased to pass the following order:-

*“Learned counsel for the petitioner contends that the
complainant Vishal Gupta purchased two plots from
Raghubir Singh in the name of his wife and mother and one
plot from Gurmej Singh in the joint name of his wife and
mother. One Nirmal Singh stood as an attesting witness to*



the sale deed which was executed in the year 2014. In the month of January, 2023, the complainant alleges that in the month of 2023 when he started construction over one of the plots, then the accused stopped the construction on the ground that an area of 11 feet in the plot purchased by the complainant belongs to Government passage as per revenue record. With these allegations, the FIR came to be registered, showing connivance of the petitioner in respect of transaction which took place in the year 2014.

Learned counsel for the petitioner with reference to the aforesaid facts submits that no criminality is involved in the present case. If the complainant is aggrieved in respect of existence of any less area at the spot, then he could have resorted to an appropriate civil remedy against his vendor in accordance with law.

Notice of motion.

On the asking of the Court, Mr. Sanjeev Soni, Addl. A.G., Punjab accepts notice on behalf of the respondent No.1 and seeks time to file reply.

At this stage, Mr. Vikas Bali, Advocate appears on behalf of the complainant.

Adjourned to 03.08.2023.

Till the next date of hearing, the petitioner will appear before the Investigating Officer on 08.06.2023 at 11.00 A.M. and in the event of doing so, he shall be allowed to join the investigation to the satisfaction of Investigating Officer. In the event of his arrest, he shall be enlarged on interim bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”



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3. Learned counsel for the petitioner as well as counsel for the complainant have jointly submitted that the matter has been compromised and has prayed that the interim order granted in this case may be confirmed.

4. Learned State counsel, on instructions of ASI Palwinder Singh, has submitted that since the compromise has been effected between the parties and the petitioner has joined the investigation, the petitioner is not required for further custodial interrogation.

5. Keeping in view the abovesaid facts and circumstances, present petition is allowed and the interim order dated 02.06.2023 passed by the Co-ordinate Bench of this court is ordered to be made absolute.

(VIKAS BAHL)
JUDGE

20.05.2024

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
~~Yes~~/No