



CRM-M-29709-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-29709-2024
Date of decision: 11th September, 2024

Guriqbal Singh Aulakh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arnav Ghai, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.
Mr. Munish Dewan, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

The prayer in the instant petition has been made by the petitioner for grant of pre-arrest bail in case arising out of FIR No. 38 dated 15.05.2024 registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC, 1860 at Police Station Jodhan, District Ludhiana Rural.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Sukhpal Singh Bawa alleging therein that his brother Gurmeet Singh and himself were joint owners of agricultural land falling within the revenue jurisdiction of village Khandoor, Tehsil & District Ludhiana Hadbast No. 425, Tehsil and District Ludhiana. His elder brother Sarvpal Singh Bawa was married with Kuljeet Kaur. The

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present petitioner is real brother of the said Kuljeet Kaur and is married to Smt. Ramandeep Kaur who is a Judicial Officer in Punjab. The marriage between Sarvapal Singh and Kuljeet Kaur had been dissolved by a decree of divorce on 03.11.2007. During the existence of the marriage of his brother with Smt. Kuljeet Kaur, the petitioner was having good relations with the petitioner and his family. However, since their relations got strained subsequently, therefore, he too had severed any contact with the petitioner's family. He alleged that he was a 88% mentally disabled person and by taking benefit of his disability, the petitioner in connivance with the co-accused, procured a forged power of attorney from him with intent to grab his property. His signatures were forged on the said power of attorney which was registered in the office of Sub- Registrar, Mullanpur Dakha, District Ludhiana on 11.08.2021. The petitioner somehow came to know about this fact and on making inquiries came to know that by impersonating some other person as himself, the petitioner and the co-accused had sold the land owned by him to one Smt. Baljinder Kaur on 15.09.2021 and usurped the sale consideration amount which was a huge amount of money. However, in their bank accounts only, the amount as per collector rate was got transferred out of the sale consideration amount. By alleging that the petitioner in connivance with his wife who is a Judicial Officer and brother-in-law Malwinder Singh Sandhu, who is a police officer posted at a high rank had cheated him and defrauded him. Therefore, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had



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moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 04.06.2024.

3. The petitioner then filed this petition before this Court. On 11.06.2024, the following order was passed:-

Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.38 dated 15.05.2024 registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Jodhan, District Ludhiana Rural.

Learned Senior counsel appearing for the petitioner submits that the matter has been compromised between the parties. Hence, custodial interrogation is not required as nothing is to be recovered from the petitioner.

Notice of motion.

Mr. Amit Kumar Goyal, Addl. AG Punjab accepts notice on behalf of State-respondent No.1.

Mr. Munish Dewan, Advocate accepts notice on behalf of the complainant-respondent No.2 and does not dispute the prayer made by learned Senior counsel for the petitioner.

Adjourned to 05.08.2024.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

4. The petitioner had joined investigation on 11.07.2024. Learned

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State counsel has submitted that his custodial interrogation is not required. Since it has been claimed by the petitioner in his petition that the FIR was outcome of a misguided suspicion and information received by the complainant and all the dispute between themselves have been settled and a compromise by way of written settlement/compromise deed dated 29.05.2024 has been entered into between the parties, therefore, this Court had given direction to the complainant to appear in person vide order dated 05.08.2024, keeping in view the fact that in the complaint, he had alleged that he was suffering from mental disability. Respondent No.2-complainant appeared before this Court on 23.08.2024 and today as well. He was sent to Mediation and Conciliation Centre of this Court for the purpose of interacting with a Senior Mediator for the purpose of assessing his intellectual capability. Mr. Atul Lakhanpal, Advocate, Senior Mediator sent a report on 23.08.2024 itself to the effect that the complainant answered all the questions put to him appropriately and intelligently and also stated that he had entered into a compromise with the present petitioner without any pressure or fear. The complainant had also interacted with the Counsellor of Mediation and Conciliation Centre, as per report given by him, some more sessions were required to understand and assess the capability of the complainant. The complainant has again been called by this Court today and interaction has been made with him, wherein he has affirmed the factum of entering a compromise with the petitioner voluntarily.

5. Learned counsel for the complainant as well as complainant have submitted that they have no objection if the petition is allowed. The



petitioner has already joined the investigation as discussed above, his custodial interrogation is not required. No purpose would be served by detaining him in custody.

6. In view of the facts as discussed above, the petition is allowed and the order dated 11.06.2024, whereby the benefit of interim bail is granted to the petitioner, is hereby made absolute, subject to the compliance of the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNNS), 2023 (analogues to Section 438(2) of the Code of Criminal Procedure).

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

11th September, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |