



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

105

**CRM-M No.32686 of 2024
Date of decision : 11.7.2024**

Raghubir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aakash Singla, Advocate and
Ms. Mansi Ranga, Advocate, for the petitioner

Mr. Rajiv Verma, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.62 dated 7.6.2024, under Sections 420 and 120-B of the IPC, registered at Police Station Shahpurkandi, District Pathankot (Annexure P-1).

2. Learned counsel for the petitioner would contend that he is not a beneficiary of the share to the extent of 20% owned by the complainant-Gurmehar Singh whereas, undisputedly the petitioner-Raghubir Singh owned 50% of the stake in the firm which is operative since 1.4.2007, even on that date when unfortunately the grand-father of the complainant passed away. Thereafter, as has been submitted by learned counsel for the petitioner that the petitioner in no way directly or indirectly a beneficiary out of 20% stake of the complainant whatsoever and as such, registration



of instant FIR is an abuse of process of law and case of false implication writ large.

3. Notice of motion.

4. On the asking of Court, Mr. Rajiv Verma, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State and on instructions from ASI Narinder Singh, would seek dismissal of the petition referring to the observations made by the trial Court at page 81 of the paper book to the effect that dispute actually revolves around an alleged entry made in the revenue record i.e. report no.233, and on a query put by this Court, he is in agreement that the material required for investigation is documentary in nature and nothing is to be recovered from the present petitioner.

5. In the light of the aforesaid stand taken by the learned State counsel himself, wherein the investigation would revolves around the revenue record which is documentary in nature and can be easily collected from the Revenue Department or office of Tehsildar and apart from that since nothing is to be recovered from the petitioner and whatever 20% share owned by the complainant in no way been disturbed at the behest of present petitioner, which may benefit him as has been alleged in the instant FIR.

6. In the light of aforesaid facts, at this stage, this Court can easily and convincely conclude that investigation can proceed further on the basis of documentary evidence for which petitioner's custodial interrogation is not required. However, learned counsel for the petitioner undertakes to cooperate and associate in the investigation process who

shall join the investigation within 7 days from today and on his doing so, he be released on anticipatory bail subject to his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C. However, it is made clear that if the aforesaid terms are not adhered to, the order passed by the Court shall automatically stands cancelled.

7. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

11.7.2024
Ashwani

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