



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-33062-2024
Date of decision: 12.08.2024

JATINDER SINGH
Versus
STATE OF PUNJAB
....Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Ashok Kumar Khunger, Advocate
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 15.07.2024, this Court had passed the hereinafter extracted order,
upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.318 dated 16.11.2023, under Sections 420, 120-B of the IPC, registered at P.S. City Tarn Taran, District Tarn Taran.*
- 2. The learned counsel for the petitioner, in his asking for the relief (supra), has submitted that a civil dispute has been camouflaged as a criminal litigation, inasmuch as, the allegations purely relate to breach of trust, which cannot be construed to be criminal breach of trust. The complainant has, instead of recouring the provisions of civil law, has instituted the present criminal proceedings. In fact, a civil suit between the parties is already pending consideration before the learned civil court concerned.*
- 3. Lastly, the learned counsel for the petitioner has submitted that, even if the allegations are taken to be a gospel truth, yet the custodial interrogation of the petitioner is not required, as the case is based upon*



documentary evidence.

4. At this stage, Mr. Ashok Kumar Khunger, Advocate, has recorded his appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today. He has opposed the grant of anticipatory bail to the petitioner, on the ground that, in fact, the petitioner is not the owner of the property in question, rather is a leaseholder thereof. Despite this, the petitioner entered into an agreement to sell the property in question.

5. Notice of motion for 12.08.2024.

6. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

7. Be that as it may, since (i) the dispute is prima facie civil in nature; and (ii) the entire case is based upon documentary evidence; this Court deems it appropriate to grant the asked for relief to the petitioner.

8. Therefore, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. ”

2. Today, the learned State counsel has, on instructions imparted to him by ASI Inderjit Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for any further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 15.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner shall not commit an offence similar to the present offence;

(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts

of the case;
(iii) the petitioner shall make himself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

12.08.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No