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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35750 of 2024
Date of decision : 29.7.2024

Abheydeep 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

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 of the 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.

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 father of petitioner-Raghubir Singh owned 50% of the stake in the firm which is operative since 1.4.2007, i.e. before the death of grand-father of the complainant. Thereafter, as has been submitted by learned counsel for the petitioner that the petitioner is in no way directly or indirectly a beneficiary 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 to the effect that dispute actually revolve 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 is being 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 convincingly conclude that investigation can proceed further on the basis of documentary evidence for which petitioner's custodial interrogation is not required.

7. However, learned counsel for the petitioner undertakes to cooperate and associate in the investigation process who shall join the investigation within one week from today and on his doing so, he be released on anticipatory bail subject to his furnishing personal/ surety 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 the Cr.P.C./Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by the Court shall automatically stands cancelled.
9. The petition stands allowed in the aforesaid terms.

29.7.2024

Ashwani

(SANDEEP MOUDGIL)
JUDGE

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