



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-36819-2024
Date of Decision : **September 25, 2024**

JASKARAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Harsh Manocha, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.
Mr. Pranjal Chaudhary, Advocate for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On 1.8.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on pre-arrest bail, in case FIR No.0074 dated 08.06.2024, under Sections 406, 420, and 120-B of the IPC, registered at Police Station Bagha Purana, Moga, Punjab.

On asking for the relief (supra), learned counsel for the petitioner submits that, in fact, the present case is of civil nature, and has been camouflaged as a criminal case.

Notice of motion.

Mr. Pardeep Bajaj, DAG, Punjab, waives service of notice on behalf of the respondent-State. Whereas, Mr. R.K. Saini, Advocate, accepts notice on behalf of the complainant, and files his Memorandum of Appearance, which is taken on record, and he undertakes to file his duly executed Vakalatnama in favour of the complainant, within one week from today, with the Registry of this Court.

In the meantime, 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 bond 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.

List on 25.09.2024.”

2. Today, the learned State counsel has filed short reply dated 21.9.2024 by way of an affidavit of Dalbir Singh, PPS, Deputy Superintendent of Police, Baghapurana, District Moga has been filed by the learned State counsel today in the Court, the same is taken on record. While referring to para No.6 of the reply, the learned State counsel submits that though the petitioner has joined the investigation but he is not getting recovered the dispute amount i.e. Rs.79,11,067/-.

3. This Court has considered the submissions made by the learned counsel for the parties concerned.

4. In the instant case, the allegations against the present petitioner are that the petitioner did not pay the lease amount of the land. The allegations



prima facie are of civil in nature, where, the complainant can recover the disputed amount by filing a civil suit.

5. In view of the above, the hereinabove extracted interim order dated 1.8.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

6. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

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

September 25, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

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