

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211(3)

CRM-M-49427-2023

Date of Decision:14.05.2024

AMIT BABBAR

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harish Bhatti, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab
assisted by ASI Davinder Singh.

Mr. Jagdish Manchanda, Advocate for the complainant.

DEEPAK GUPTA, J.(ORAL)

On 29.09.2023, following order was passed:

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.0260 dated 06.09.2023 registered under Sections 420, 467, 468, 120-B of the IPC registered at Police Station City, Kharar, District SAS Nagar, Mohali.

Learned counsel for the petitioner contends that benefit of interim anticipatory bail has already been allowed by this Court vide order dated 20.09.2023 (Annexure P-8) to co-accused Ashok Kumar in CRM-M-47317-2023. Order dated 20.09.2023 passed in CRM-M-47317-2023 reads as under:-

“By way of this petition filed under Section 438 Cr.P.C., petitioner has prayed for grant of anticipatory bail in case FIR No.0260 dated 06.09.2023 registered under Sections 420, 467, 468 and 120-B IPC at Police Station City Kharar, District SAS Nagar, Mohali.

FIR was lodged on the complaint of Manjinder Kaur, as per which accused Netar Singh, Amit Babbar and others, by hatching a criminal conspiracy, had prepared a forged and fabricated

agreement to sell in respect of her house, by forging her signatures, though she had neither executed an agreement nor had ever met him.

It is contended by learned counsel that agreement to sell along with general power of attorney and a Will were executed by the complainant in favour of Netar Singh and Amit Babbar. That agreement to sell was even witnessed by Mangat Singh, husband of the complainant. The general power of attorney was also executed in favour of prospective vendees Netar Singh and Amit, who further executed another agreement to sell in favour of one Puneet Kumar. Learned counsel further contends that petitioner is simply a witness to the subsequent agreement and has nothing to do with the prior transactions.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent- State. Copy of the petition be supplied to him during course of the day.

Adjourned to 14.11.2023 for filing status report.

In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that on the basis of agreement to sell, suit for specific performance was filed by the petitioner and co-accused Nater Singh in which interim stay has been granted by the Court vide order dated 25.08.2023 (Annexure P-7). He further submits that similarly placed co-accused Nater Singh has already been granted the concession of anticipatory bail by this Court vide order dated 25.09.2023 passed in CRM-M48354 of 2023.

Notice of motion.

At the asking of the Court, Mr. M.S. Nagra, AAG, Punjab and Mr. Pardeep Kumar, Advocate for Mr. Jasdeep Singh, Advocate accepts notice on behalf of respondent- No.1/State of Punjab and complainant respectively.

Adjourned to 14.11.2023.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

To be listed along with CRM-M-48354 of 2023.”

Today learned State counsel, on instructions from ASI Davinder Singh submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 29.09.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

Disposed of.

14.05.2024

pry

**(DEEPAK GUPTA)
JUDGE**

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No