

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49775-2023
Date of decision: 20.02.2024

Telu Ram.....Petitioner.

Versus

State of Punjab....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amrit Pal Singh, Advocate,
for Mr. Davinder Bir Singh, Advocate,
for the petitioner.

Mr. Daksh Prem Azad, AAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate,
for the complainant.

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SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 Cr.P.C,
the petitioner seeks anticipatory bail in case FIR (Annexure P-5) as
under: -

FIR No.	Dated	Sections	Police Station
166	23.08.2023	465, 467, 468, 471 IPC	Haibowal, District Police Commissionerate, Ludhiana

2. It is, *inter alia*, contended by learned counsel for the petitioner that in pursuance to the order dated 03.10.2023, the petitioner has joined the investigation and is not required for further investigation. He further contends that even during the course of proceedings, the petitioner has complied with the affidavit/undertaking dated 06.05.2023 (Annexure P-4) to the satisfaction of the complainant. As such, he prays that interim protection granted to the petitioner vide order dated 03.10.2023 may be confirmed.

3. During the course of hearing on 03.10.2023, following order had been passed: -

“1. This petition is filed seeking anticipatory bail in FIR No. 166 dated 23.8.2023 under Sections 465, 467, 468, 471 IPC, 1860 registered at P.S. Haibowal, District Police Commissionerate Ludhiana.

2. As per the allegations, the petitioner purchased a plot from Amar Kaur (wrongly typed as Amarpal in Annexure P-1). The sale deed was registered in 1996. In 2023, the petitioner received a notice that the sale deed in his favour was on the basis of forged document as the complaint has been received from one another Amar Kaur claiming herself to be the owner.

3. The petitioner joined the enquiry, filed an affidavit that he has no objection in case the land in question, if actually owned by the complainant is transferred to her. He filed a complaint against Vikram Singh (the property dealer) who got the deal stuck with Amar Kaur.

4. *Learned State Counsel on instruction specifically submits that the petitioner joined the enquiry, co-operated and thereafter no notice was issued to him.*

5. *List on 3rd November, 2023.*

6. *In the meantime, arrest of the petitioner is stayed subject to his joining investigation within ten days from today”*

4. Learned State counsel, on instructions from ASI Ram Kishan, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Learned counsel appearing on behalf of the complainant, has very fairly stated that the petitioner has complied with the affidavit/undertaking given vide Annexure P-4 dated 06.05.2023 and the complainant has no objection in case the petitioner is granted the concession of anticipatory bail.

6. Considering the respective submissions and the facts and circumstances of the case, as the petitioner has already joined the investigation and is not required for further investigation, as stated by learned State counsel, on instructions from ASI Ram Kishan, and learned counsel for the complainant has pleaded no objection to the same, and further keeping in view the compliance made by the petitioner qua the affidavit/undertaking dated 06.05.2023 (Annexure P-4), interim protection granted vide order dated 03.10.2023

is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C.

7. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.

9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |