



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202 (4)

CRM-M-55739-2023
Decided on :20.05.2024

Gurmej Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. A. P. S. Sandhu, Advocate and
Mr. Ashish Kaushik, Advocate
for the petitioner.

Mr. M. S. Longia, Addl. AG, Punjab with
Mr. T. P. S. Chawla, Sr. DAG, Punjab.

Mr. Vikas Bali, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 84 dated 06.05.2023 under Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Cantonment, Police Commissionerate Amritsar.

2. On 06.11.2023, this Court was pleased to pass the following order:-

“Inter alia, contends that the sale deed in question regarding which the FIR has been registered is of the year 2014 and the FIR has been registered in the year 2023 i.e., after a delay of 9 years from the said date and in the FIR it has been alleged that the land sold to the complainant



party had a government passage measuring 11 feet as per the revenue record. It is further contended that instead of instituting civil proceedings, the complainant has resorted to filing criminal proceedings on account of his influence in the State of Punjab. It is stated that even as per the FIR, the complainant party after the registration of the sale deed, had taken the possession of the land on the spot and in case there were any shortcomings in the land, the complainant party should have pointed it out at the relevant stage. It is further stated that in the FIR it has been alleged that the said rasta is shown in the revenue record and it is impossible to believe that the complainant party would purchase the land without seeing the revenue record. It is submitted that at any rate, the petitioner along with Raghbir Singh are co-owners of land measuring 24 kanals, bearing Khasra No.95//5 (7-11), 96//1 (7-11), 96//2/1 (3-19) 95//4/2, 96//10/2 (4-14) situated at village Meerakot Kalan, Hadbast No.344, Tehsil and District Amritsar and had entered into agreement to sell dated 02.11.2011 for the sale of said land with one Baljinder Singh and Gurpreet Singh Randhawa and had received consideration of Rs.70 lakhs as earnest money for the same and the said persons had told the petitioner that the sale deed could be executed in favour of the other persons and the petitioner and Raghbir Singh were required to sign the said sale deed. It is further argued that after the execution of the said agreement to sell dated 02.11.2011, the petitioner had no connection with the land in question other than executing the sale deed at the instance of the persons in whose favour the agreement to sell was entered. It is further submitted that the co-accused of the petitioner, namely, Nitin Chopra and Manish Chopra have been granted interim protection in two separate



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anticipatory bail applications filed by them and the said cases are now fixed for 30.11.2023. It is submitted that a perusal of the FIR at page 18 would show that after inquiry, it was stated that the FIR be registered against Nitin Chopra and Minku Chopra and no reference has been made in the FIR that the same should also be registered against the petitioner and Raghbir Singh who are farmers and there is no zimni subsequent to the same to the knowledge of the petitioner implicating him and Raghbir Singh as an accused. It is submitted that at any rate, the entire case is based on documentary evidence, thus, the custodial interrogation of the petitioner is not required and the petitioner is ready to cooperate with the investigation.

Notice of motion for 30.11.2023.

To be heard along with CRM-28393-2023.

In the meantime, the petitioner is directed to join the investigation before the concerned Investigating Officer and in the event of his arrest, he shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall abide by the conditions as provided under Section 438(2) Cr.P.C.

06.11.2023”

3. Learned counsel for the petitioner as well as counsel for the complainant have jointly submitted that the matter has been compromised and has prayed that the interim order granted in this case may be confirmed.

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4. Learned State counsel, on instructions of ASI Palwinder Singh, has submitted that since the compromise has been effected between the parties and the petitioner has joined the investigation, the petitioner is not required for further custodial interrogation.

5. Keeping in view the abovesaid facts and circumstances, present petition is allowed and the interim order dated 06.11.2023 passed by this court is ordered to be made absolute.

20.05.2024

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/~~No~~
~~Yes~~/No