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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-57959-2023

Date of decision: 02.05.2024

Rajesh Kumar Ghai

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. B.S. Kundra, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having FIR No.123 dated 12.10.2023 registered under Sections 420, 120-B of IPC at Police Station Fatehgarh Sahib.
2. The allegations in nutshell are that the property in question was owned by Sarabjit Singh father of the complainant Gurvinder Singh and the said Sarabjit Singh entered into an agreement to sell dated 06.04.2018 of his land measuring 52 kanals with petitioner and subsequently, said Sarabjit Singh executed sale deed dated 07.09.2018 in favour of co-accused Suman Lata. The plea of the complainant is that at the time of execution of aforesaid agreement to sell dated 06.04.2018 and sale deed dated 07.09.2018, Sarabjit Singh was not mentally stable and petitioner and co-accused while taking advantage of unstable mental condition of Sarabjit

Singh, procured the said two documents in their favour without making payment of any sale consideration to the owner and thus, the accused persons including petitioner had committed cheating with complainant and his father. The petitioner was granted interim bail and directed to join investigation by the co-ordinate Bench of this Court vide order dated 17.11.2023 while taking into consideration the fact that civil litigation is also going on between the parties with regard to the subject matter involved in the present case.

3. Counsel for the petitioner apprised the Court that petitioner has already joined investigation with the police.

4. The State counsel on instructions from SI Avtar Singh has not disputed the aforesaid assertion made by counsel for the petitioner and further submits that petitioner is not required for any further investigation by the police in the present case. The State counsel has also informed the Court that petitioner is not involved in any other criminal case.

5. It is a matter of evidence as to whether the executant of concerned documents was mentally fit or not at the time of execution of the said documents.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 17.11.2023 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

02.05.2024

Yogesh

**Whether speaking/reasoned:-
Whether reportable:-**

**(KARAMJIT SINGH)
JUDGE**

**Yes/No
Yes/No**