

205

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 57155 of 2023
Date of Decision :12.01.2024

SANTOKH SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Aman Pal, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Jagdish Manchanda, Advocate for the Complainant.

.....

SANJIV BERRY, J.

Learned counsel for the State has filed status report in the form of affidavit dated 06.12.2023 of Deputy Superintendent of Police, (HQ) Kurukshetra, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. Mr. Jagdish Manchanda, Advocate has put in appearance on behalf of the complainant and filed reply dated 19.12.2023 along with Power of Attorney, the same are taken on record.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has joined investigation in the case, in compliance of the orders dated 17.11.2023 passed by this Hon'ble Court and as such prays for confirmation of bail thereof.

4. Learned State counsel submits that the petitioner has joined the investigation and not required for custodial interrogation in the case.
5. Learned counsel for the complainant however has opposed the bail application by arguing that the petitioner has committed fraud and forgery and as such his custodial interrogation is required and as such he is not entitled for grant of concession of anticipatory bail.
6. After considering the rival contentions and perusing the record it transpires that the instant FIR was registered on the complaint under Section 156(3) Cr.P.C moved by complainant Ashok Kumar. During the course of the proceedings following orders were passed on 17.11.2023 :-

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

FIR No.	Dated	Sections	Police Station
296	04.06.2023	406, 418, 419, 420 IPC Section 200 IPC added later on	Krishna Gate, Thanesar Kurukshetra, District Kurukshetra

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner happens to be a bona fide purchaser of the land on the basis of sale deed executed way back in 1992 through process of the Court having purchased the same from recorded owner, namely Shanti Devi, as mentioned in the revenue record, on the basis of mutation effected way back in 1980-81. He further contends that the complainant had lodged the present FIR by moving application under Section 156(3) Cr.P.C after more than 30 years of the said sale deed and during all this period, he had never raised any objection nor he challenged the same before the competent Court and not even till date, the complainant has moved to the revenue authority by raising any such objections.

3. *Learned counsel for the petitioner further contends that the petitioner is 73 years old person having no criminal background and he is ready to join the investigation.*

4. *Notice of motion.*

5. *On the asking of the Court, Mr. Vishal Malik, DAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.*

6. *Adjourned to 11.12.2023.*

7. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

8. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”*

7. Although, the learned counsel for the complainant has assailed that the custodial interrogation of the petitioner is required but this has no relevance, keeping in view of the fact that learned counsel for the State has apprised that petitioner had already joined the investigation and not required for further investigation or custodial interrogation by the police.

8. Consequently, keeping in view the above facts and circumstances and the fact that the petitioner had joined investigation and not required for further investigation or custodial interrogation, the interim bail granted to the petitioner vide order dated 17.11.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, he will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required.

9. The petition stand allowed.
10. Any observation made above shall not be construed as opinion
of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

12.01.2024		
Gyan	i) Whether speaking/reasoned?	Yes/No
	ii) Whether reportable?	Yes/No