

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

(202)

CRM-M-58189-2023

Date of decision: - 05.03.2024

Gurcharanjit Singh and another**....Petitioners****Versus****State of Punjab and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Amandeep Saini, Advocate, for the petitioners.

Ms. Neha Sonawane, DAG, Punjab.

Mr. Yogesh Goel, Advocate,
Mr. Lakshay Goel, Advocate, and
Mr. Apurav Kamboj, Advocate, for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This is the first petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.89 dated 21.10.2023, registered under Sections 420 and 120-B IPC, at Police Station Punjab Agriculture University (PAU), Ludhiana.

2. On 20.11.2023, this Court was pleased to pass the following order:-

“Inter alia contends that a civil dispute is sought to be given a criminal colour inasmuch as the GPA dated 08.02.2018 executed by the father of petitioner no.1 in favour of petitioner no.1 was registered on 08.02.2018 and the sale deed on the basis of the said GPA has been executed by virtue of a registered document dated 19.02.2018 and the father of petitioner no.1, who was the owner of the property, had died on 13.09.2020 and had, thus, lived for a period of more than two years after the execution of the said registered documents but never got the same cancelled. It is submitted that even a civil suit has

been filed by the complainant Sukhwinderjit Singh which is pending and the registration of the present FIR, after a period of more than 5 years of the registration/execution of the said document, is only to restrain the petitioners from defending the said civil suit. It is argued that the complainant Sukhwinderjit Singh in the present case was not given any share even as per the registered will dated 08.02.2018 which the complainant is not disputing and thus, he has no locus to get the present FIR registered or to file a civil suit. It is submitted that although the said registered Will is in favour of Shivmanmeet Singh also, who is the son of Sukhwinderjit Singh but the said Shivmanmeet has neither got the FIR registered nor has filed any civil suit challenging the GPA and the registered sale deed in question in favour of the petitioners. It is further submitted that even a perusal of the plaint of the civil suit dated 26.05.2023 would show that neither the sale deed nor the GPA nor the registered Will has been challenged. It is stated that at any rate, the entire case is based on documentary evidence and custodial interrogation of the petitioners is not required and the petitioners are not involved in any other case and have roots in society inasmuch as petitioner no.1 is an Ex-serviceman, who has retired from the Military Engineering Service Department and petitioner no.2 is a Deputy Bank Manager with SBI and in case interim protection is granted to the petitioners, the petitioners would fully cooperate with the investigation. Learned counsel for the petitioners has submitted that at this stage, notice be issued to only respondents no.1 and 2 and not to respondents no.3 and 4 as respondents no.3 and 4 are neither the complainant nor accused in the present case.

Notice of motion to respondents no.1 and 2 for 23.01.2024.

In the meantime, in the event of arrest, the petitioners are ordered to be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

November 20, 2023

**(VIKAS BAHL)
JUDGE"**

3. Learned counsel for the petitioners has submitted that in

pursuance of the above-said order, the petitioners have joined the investigation and has reiterated the fact that a civil dispute is sought to be given a criminal colour.

4. Learned State counsel, on instructions from ASI Harcharan Singh, has submitted that the petitioners have joined the investigation and are not required for further investigation.

5. Learned counsel appearing for respondent No.2-complainant has opposed the present petition, but could not dispute the contentions raised by the learned counsel for the petitioners in the order dated 20.11.2023

5. Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in the abovesaid order dated 20.11.2023 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 20.11.2023 is ordered to be made absolute.

6. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case, which are only for the purpose of adjudicating the present bail application.

March 05, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No