

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-64158-20233 (O&M)

Date of Decision: 02.02.2024

LAKHWINDER SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 128 dated 15.08.2023 registered under Section 420 of Indian Penal Code at Police Station Bikhiwind, District Tarn Taran.
2. On 20.12.2023, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.128 dated 15.08.2023 under Section 420 of IPC registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the dispute is predominantly civil in nature. The FIR was lodged on the basis of agreement to sell dated 29.03.2015 and the complainant after enjoying the possession of the property for eight years has now given a tinge of criminality to a civil dispute. He further submits that the offence under which the FIR is lodged is punishable upto seven years and no notice under Section 41-A of Cr.P.C. was served upon the petitioner.

Notice of motion.

On the asking of the Court, Mr. I.P.S.Sabharwal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 02.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

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3. Learned State counsel on instructions from ASI Gurmeet Singh, submits that in compliance of order dated 20.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 20.12.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

02.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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