

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-64760-2023

Date of Decision:13.05.2024

GURPAL SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nagar Singh, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab
assisted by ASI Nathi Ram.

DEEPAK GUPTA, J.(ORAL)

On 22.12.2023, following order was passed:

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.77 dated 23.02.2022 registered under Sections 406, 420 of the IPC registered at Police Station Dera Bassi, District S.A.S. Nagar (Mohali).

FIR has been lodged on the complaint of one Mukesh Kumar, as per which petitioner entered into an agreement to sell dated 07.11.2012 to sell plot/showroom situated at Lalru and received an amount of ₹30 Lacs. Sale deed was never executed and rather petitioner allegedly took a loan of ₹7.30 crore on the said property from Bank of India and later on sold the property to some Jyoti Hotel.

It is contended by learned counsel for the petitioner that FIR has been lodged more than 09 years from the date of alleged agreement to sell. Besides no suit for specific performance was filed by the complainant and that a civil dispute has been converted by giving it a criminal colour.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent- State. Adjourned to 18.03.2024.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting

Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions from ASI Nathi Ram submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 22.12.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

Disposed of.

13.05.2024

(DEEPAK GUPTA)
JUDGE

pry

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No