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**(2014) 05 P&H CK 0462**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CRM-M No. 14864 of 2014

Niranjan Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

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**Date of Decision:** May 27, 2014

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Penal Code, 1860 (IPC) - Section 120B, 420

**Hon'ble Judges:** Tejinder Singh Dhindsa, J

**Bench:** Single Bench

**Advocate:** Suveer Sheokand, Advocate for the Appellant; Vaibhav Sharma, Deputy Advocate General, Punjab and Mr. Abnash Singh, Advocate for the Respondent

**Final Decision:** Allowed

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### **Judgement**

Tejinder Singh Dhindsa, J.

This order shall dispose of the instant petition preferred u/s 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioner in case FIR No. 12 dated 23.1.2014, under Sections 420/120B IPC, registered at Police Station Division No. 5, Civil Line Ludhiana, Ludhiana.

2. On 02.05.2014, while issuing notice of motion, this Court had directed the petitioner to join investigation and to appear before the Investigating Officer on 09.05.2014.

Simultaneously, ad-interim protection as regards arrest had also been granted to the petitioner.

3. Learned State counsel upon instructions from ASI Dharampal would apprise the Court that the petitioner has since joined the investigation.

4. Learned counsel appearing for the complainant would, vehemently, oppose the present petition and would submit that the conduct of the petitioner is that he is not entitled to the

concession of pre-arrest bail. In this regard, counsel would submit that the petitioner had undertaken before the Court below to pay a sum of Rs. 5,50,000/- on account of settlement of his claim with the complainant, namely, Sushil Kumar but after having made such an offer, had backed out and which fact had been noticed in the impugned order dated 17.04.2014 passed by the Additional Sessions Judge, Ludhiana.

5. Having heard counsel for the parties at length, this Court is of the considered view that the prayer made in the present petition deserves to be accepted.

6. A perusal of the entire FIR would reveal that the complainant, namely, Sushil Kumar has levelled allegation of cheating against Bharpur Singh son of Baldev Singh with regard to purchase of a plot measuring 665 sq. yards. The present petitioner, namely, Niranjn Singh comes into the picture only on account of the fact that Bharpur Singh i.e. the main accused had purportedly purchased the plot in question prior in point of time from Niranjn Singh i.e. the present petitioner. In the FIR, there is no allegation whatsoever of cheating against the present petitioner.

7. That apart, the issue as regard the submission made by counsel for the complainant that the petitioner having gone back on his offer to pay Rs. 5,50,000/- to the complainant Sushil Kumar in pursuance to a compromise deed dated 4.10.2012 and such fact having been noticed in the impugned order dated 17.04.2014, suffice it to notice that such compromise deed/Panchayat Nama dated 4.10.2012 has been placed on record at Annexure P-2 and the same also would reveal of some settlement having been arrived at between the present petitioner and Bharpur Singh. Such compromise is not indicative of any settlement of the present petitioner with the complainant Sushil Kumar.

8. In the totality of circumstances and the facts noticed herein-above and in view of the fact that the petitioner having already joined investigation, custodial interrogation of the petitioner would not be warranted.

9. Accordingly, the present petition is allowed and the order dated 02.05.2014 passed by this Court is made absolute.

10. Petition disposed of.