



CRM-M-21204-2024

1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-21204-2024 (O&M)

Date of Decision: 03.03.2025

Kapil Garg

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Jagdeep S.Virk, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

None for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of pre-arrest bail to the petitioner in FIR No.416 dated 22.12.2023 (P-1), under Section 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Tripuri Town, Tehsil Patiala, District Patiala.

2. Allegations are that petitioner executed General Power of Attorney (GPA) regarding land in question, in favour of co-accused Anil Kumar and Pritpal Singh. The said land already stood mortgaged with a bank and this fact was concealed by the petitioner as well as co-accused who further sold it to complainant. Also in this regard, a civil suit is already pending.

3. Contends that petitioner was granted interim bail by this Court, vide order dated 29.04.2024 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.



4. The above factual position is not disputed by learned State Counsel, on instructions from ASI Harjinder Singh and submits that as on today, custodial interrogation is not required.

5. Heard learned counsel for the parties and perused the paper-book.

6. It transpires that petitioner was granted interim bail by this Court, vide order dated 29.04.2024 and the order reads as under:-

“Contends, inter alia, that civil suit (P-3) regarding property in dispute is already pending between the parties.

Notice of motion.

Ms. Manjot Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

At this stage, Mr. Vikas Sharma, Advocate has filed vakalatnama on behalf of complainant/respondent, which is taken on record. Registry to tag the same at appropriate place.

Posted for 30.05.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973. .”

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

8. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 29.04.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

10. The above observations be not construed as an expression of

