

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

**1. C.R.M-M No.27934-2014 (O&M)
Date of Decision : 27.08.2015**

Jasbir Singh Petitioner

versus

State of Haryana Respondent

**2. C.R.M-M No.30059-2014 (O&M)
Date of Decision : 27.08.2015**

Nar Singh Petitioner

versus

State of Haryana Respondent

**3. C.R.M-M No.31750-2014 (O&M)
Date of Decision : 27.08.2015**

Ram Karan Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Veneet Sharma, Advocate
for the petitioner (CWP-27934-2014).

Mr.Mayank Sharma, Advocate for
Mr. Rajiv Dhawan, Advocate
for the petitioner (CWP-30059-2014)

Mr. R.S. Mamli, Advocate
for the petitioner (CWP-31750-2014).

Ms. Harpreet Kaur, AAG, Haryana.

Mr. J.P.Sharma, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AIJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned three petitions. Since common questions of law and facts are involved therein, they are being decided by this common order.

These petitions have been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.170 dated 30.07.2014 under Sections 406, 420, 506, 120-B, IPC registered at Police Station Naraingarh, District Ambala.

As per the FIR the co-accused had represented themselves to be agreement holders of a property in village Bakhtuwa, Tehsil Naraingarh District Ambala and taken a sum of Rs.60.00 lacs from the complainant. Thereafter they misappropriated that amount and clandestinely got the agreement in their favour cancelled thereby leaving the complainant high and dry. It is the contention of the learned counsel for the petitioners that the present petitioners are only implicated on the ground that they were witnesses of the original agreement to sell and had derived no benefit from the transaction.

Learned counsel for the complainant and the learned Assistant Advocate General have however sought to argue that as per the statements of the co-accused the petitioners were actually part of the gang and were party to the whole scam.

Learned counsel for the petitioners have countered by arguing that once the documents reveal that it was the co-accused who

had the agreement to sell and it was the co-accused who had entered into the subsequent agreement to sell with the complainant it would not be legal to deny anticipatory bail to the petitioners only on the alleged statements of the co-accused in police custody.

Learned counsel for the complainant as well as the learned AAG are not in a position to deny that as per the documents the petitioners' role is only to that of witnesses to the original agreement to sell.

In this view of the matter, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petitions are allowed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

They are further directed to appear before the Investigating Officer on 10.09.2015 and on any other date as and when their presence is required. In case the petitioners do not appear before the Investigating Officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

27.08.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**