

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39314 of 2015 (O&M)

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Date of decision:17.12.2015

Pankaj Sardana

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.13 dated 6.1.2015 registered for the offences under Sections 420, 406 and 120-B IPC at Police Station Palam Vihar, Gurgaon, District Gurgaon.

Notice of motion has been issued in this case.

Mr. Anmol Malik, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Haryana appearing for the respondent-State and have gone through the record.

As per the prosecution case, Anju Sardana entered into agreement with the husband of the complainant to sell flat/floor and

obtained ₹40 Lacs as earnest money. It is also in the FIR that the possession was delivered to the husband of the complainant. Later on, he was dispossessed of the said property and possession was taken regarding which separate FIR was registered. It is also stated in the FIR that husband of the complainant committed suicide due to these facts, regarding which a separate FIR was also registered.

A perusal of the FIR shows that it is a case mainly regarding breach of contract. The sale deed was to be executed on 25.4.2011, which was not executed. No civil suit was filed.

The present petitioner has already joined the investigation. He is not required for any custodial interrogation. It is also argued that compromise (Annexure-P.2) has already been effected between the parties.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 20.11.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

December 17, 2015.

(Inderjit Singh)
Judge

hsp