

Sr. No. 202

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-15640 of 2015 (O&M)
Date of Decision: 21.04.2016

Azad

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rakesh Nehra, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.122 dated 23.03.2015, under Sections 420, 506, 34 of Indian Penal Code, registered at Police Station City Bahadurgarh, District Jhajjar.

Counsel for the parties have been heard.

Briefly noticed, FIR came to be registered on the complaint of Vinod Kumar son of Om Parkash and who had alleged that he had purchased a plot ad measuring 200 sq. yds. vide registered sale deed dated 28.12.2005 and in pursuance thereto had even taken possession of the plot. Allegations were that subsequently one Sanjeev and Parveen have taken possession over the said plot by creating a fake registered sale deed.

Notice of motion was issued in the present case on 14.05.2015 and the following order was passed by this Court:-

“Contends that the petitioner has nothing to do with the allegations as set out in the FIR. He merely happens to be a neighbour where the plot is situated. Petitioner specifically contends that he is neither beneficiary of the sale deed nor he is instrumental in getting it executed. Besides, he is not even the witness to the sale deed. It is then pleaded that the petitioner has nothing to do with the sale deed and has been falsely implicated.

Notice of motion for 4.8.2015.

In the meantime, the arrest of the petitioner shall remain stayed subject to the following conditions :-

- i) He will make himself available for investigation as and when required to do so.*
- ii) He will not leave the country without the prior permission of the Court.*
- iii) He will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police official.”*

Learned State counsel on instructions from SI Rajender Singh i.e. the present Investigating Officer would contend that even though interim protection was granted to the petitioner yet he has not joined investigation.

In this regard, it would be apposite to take note that on an earlier date i.e. 05.12.2015 a stand on behalf of the State had been noticed by this Court whereupon it had been stated that the petitioner had already joined investigation but was not cooperating in the

matter.

During the course of hearing today, counsel appearing for the petitioner has brought to the notice of this Court an order dated 24.08.2015 passed by the Coordinate Bench in CRM No.M-18519 of 2015 whereby while granting concession of anticipatory bail to Ashok Numberdar i.e. co-accused, it had been noticed that the complainant Vinod Kumar has already compromised the matter with Parveen as also Sanjeev who was specifically named in the FIR. It would also be pertinent to take note that at that stage the learned State counsel who was upon instructions from the then Investigating Officer i.e. SI Balraj Singh did not dispute the factual position as regards compromise having been entered.

It has also gone undisputed that co-accused Parveen Kumar has been granted concession of pre-arrest bail by the learned Additional Sessions Judge, Jhajjar in the light of order dated 30.05.2015.

Under such circumstances, this Court is of the considered view that custodial interrogation of the present petitioner would not be warranted.

Petition is allowed. Order dated 14.05.2015, passed by this Court, is made absolute.

Disposed of.

21.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**