

211 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.19782 of 2016 (O&M)  
Date of decision : 08.08.2016

Sudhir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI  
\*\*\*

Present : Mr. Shailendra Sharma, Advocate  
for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana.

Mr. Ashit Malik, Advocate  
for the complainant.

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**AJAY TEWARI, J. (Oral)**

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.0799, dated 15.10.2015 registered under Sections 406/420/120-B IPC at Police Station Civil Line, Karnal.

Learned counsel for the petitioner states that the petitioner has not deposited any amount.

On 02.06.2016 the following order was passed :-

*“Petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Sanjay Rana.*

*In nut-shell the allegation against the petitioner is that he entered in an agreement of sale with the complainant on December 30, 2011 and received a sum of Rs.42.50 lacs*

*whereas the property was sold by Harsh Juneja to Deepa Chauhan. The amount received by the petitioner prejudicing the right of the complainant deserves to be accounted for as the title of the property cannot be transferred to the complainant on the basis of the agreement of sale dated December 30, 2011.*

*Counsel for the petitioner submits that as a matter of fact the fraud has been played by Deepa Chaudhary who had entered into an agreement of sale with the petitioner on May 17, 2011.*

*Notice to Advocate General, Haryana, for August 8, 2016.*

*Meanwhile, an interim direction is issued that the petitioner will join investigation on or before June 25, 2016 along with a bank draft of Rs.10 lacs in the name of Sanjay Rana. Another sum of Rs.10 lacs will be paid by again joining investigation on July 23, 2016. Both the bank draft will be handed over to investigating officer and retained by him subject to any final order passed by this Court and in case of petitioner's doing so, he will be released on interim bail to the satisfaction of the arresting officer."*

Learned counsel for the petitioner states that there was no undertaking by the petitioner. However, once the petitioner had got the benefit of that order it was incumbent upon him to either deposit the amount or make an application to the Court praying for modification of the same. Having not been done so the petitioner has misused the order.

It is clear that the petitioner has over-reached this Court. In the circumstances, the petition is dismissed.

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

08.08.2016  
*Pooja sharma-I*

( AJAY TEWARI )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable :      | Yes/No |