

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

CRM-M -25953 of 2015 (O&M)
Date of decision: 30.08.2016

Santra @ Shyama and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Tewatia, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.
assisted by ASI Suresh Kumar.

Mr. Keshav Partap Singh, Advocate
for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.283, dated 04.07.2014, registered under Sections 406, 420 and 120-B IPC, at Police Station Badsahpur, District Gurgaon.

On 06.08.2015, this Court had passed the following order:-

“Learned counsel for the petitioners has inter-alia contended that neither petitioners are owner of property in question nor any agreement to sell was executed by them. Petitioners have not received any amount from the brother of complainant. Even, no amount has been deposited by way of any method in the name of petitioners. Petitioners have

no concern whatsoever with other persons whose names find mentioned in FIR.

Notice of motion for 08.09.2015.

In the meantime, in the event of arrest the petitioners shall be released on interim bail to the satisfaction of the Investigating Officer. They shall join the investigation as and when required by the Investigating Officer. They shall also comply with the other conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure.”

It is contended that in pursuance of the order dated 06.08.2015 the petitioners have joined the investigation.

The learned State counsel, on instructions, submits that petitioner No.2 received Rs. 16 lacs against the transaction. However, petitioners are neither the owners of the property in question nor any agreement to sell was executed by them. Except the allegations, there is no evidence at this stage to support the assertion of the complainant.

On the other hand, the learned State counsel, on instructions states that co-accused Brij Pal, son of the petitioners in whose account Rs.15 lacs was transferred through RTGS is absconding and proceedings to declare him proclaimed offender has been initiated. He further states that in pursuance of the order passed, the petitioners have joined the investigation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide

order dated 06.08.2015, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

16.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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