

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

CRM-M-32033-2016 (O&M)

Date of decision: September 23, 2016

Rajeev Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Narender Pal Bhardwaj, Advocate
for the petitioner.

Mr. Vikramjit Singh, Addl. A.G., Haryana,
for the respondent-State.

Mr. S.S. Gill, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner Rajeev Kumar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.40 dated 04.05.2016, registered at Police Station Dhand, under Sections 420, 467, 468, 471 IPC.

Notice of motion was issued in this case.

Mr. Vikramjit Singh, learned Additional Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. S.S. Gill, Advocate has appeared on behalf of the complainant and contested this petition.

I have heard learned counsel for the petitioner and learned Addl. Advocate General, Haryana as well as learned counsel for the complainant and have gone through the record.

From the record, I find that a written complaint was made by Karamvir against Ramphal, Rajeev Kumar and Shiv Kumar.

As per the FIR, it is stated that accused Nos. 1 & 2 executed an agreement to sell but at the time of arguments it is admitted that Ramphal only entered into agreement to sell and there is no power of attorney given by Rajeev Kumar to Ramphal nor Rajeev Kumar has signed on the agreement neither as seller nor as a witness. The allegation is that the earnest money is paid and the sale deed has not been executed.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and no useful purpose will be served by sending the petitioner to custody, I find merit in this petition and the same is allowed. It is ordered that in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

23.09.2016

sp

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No.