

CRM No. M-34213 of 2016 (O&M)
DECIDED ON: OCTOBER 19, 2016

LAKHPAT SINGH

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Sanjay Vashisth, Advocate
for the complainant.

JASPAL SINGH, J (ORAL)CRM No. 30833 of 2016

Application is allowed, as prayed for.

Main Case

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case FIR No. 324 dated 21.05.2016 under Sections 420, 467, 468, 471 and 120-B IPC registered at Police Station Saran, Faridabad.

Undisputably, petitioner purchased property measuring 4315 square yards from the mother of the complainant in the year 1997 and till 2012 when a complaint was filed by the petitioner before the police, complainant slept over the matter. The said matter was inquired into by the police and ultimately,

allegations was found to be false. Subsequently, another complaint was filed on the basis of which instant case was registered. The entire case of the petitioner is based upon documentary evidence, as during the course of arguments it has been submitted by learned counsel for the complainant that property measuring 83 square yards was a passage, which was sold away by the petitioner to Sunita wife of Des Raj.

A glance at the FIR transpires that there is no reference of any such passage in the FIR. Apart from it there has been a civil and criminal litigation between the parties including a suit for partition, which was contested not only by the petitioner and his brother but by the mother of the complainant also and at that time the mother of the complainant took a specific plea that she has sold the property to the petitioner. So, in the given circumstances the entire dispute is based upon documentary evidence, which can be collected by the investigating agency from the parties during the course of investigation.

Taking into consideration the afore-said aspects but without expressing any opinion on the merits of the case, instant petition is allowed.

Petitioner is directed to join the investigation on 27.10.2014 at 11.00 AM or any other date convenient to the Arresting Officer/Investigating Officer. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under section 438(2) Cr.P.C

OCTOBER 19, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*