

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

CRM No.M-37909 of 2015 (O&M)

Date of Decision: 14.01.2016

Prem Singh

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. D.K. Tuteja, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioner in case FIR No.228 dated 14.05.2015, under Sections 420/406/506/34 IPC, registered at Police Station Civil Lines, Rohtak.

While issuing notice of motion on 04.11.2015, the following order was passed by this Court:

“It is inter alia contended that petitioner Prem Singh has only signed the agreement to sell between the complainant and the principal accused Ajay, alleged owner of the property, as a witness and that nothing is to be recovered from him.

Notice of motion for 14th January, 2016.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Harbaj Singh

would apprise the Court that the petitioner has since joined investigation.

State counsel, however, opposes the present petition by contending that money is yet to be recovered.

Suffice it to notice that the present petitioner is stated to be only a marginal witness to the agreement to sell and even as per the version of the complainant, there is no specific entrustment of earnest money to the present petitioner.

The petitioner having joined investigation, I am of the considered view that the custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 04.11.2015 is made absolute.

Disposed of.

14.01.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE