

Sr. No.206

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-4151 of 2016 (O&M)

Date of Decision: 25.05.2016

Vishnu Sharma

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Yogesh Goel, Advocate for
Mr. Deepak Sonak, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.303 dated 21.05.2015, under Sections 323/379/147/149 and 506 of Indian Penal Code, later on converted in Sections 323/325/506 and 34 of IPC, registered at Police Station Sector-5, Gurgaon, District Gurgaon.

While issuing notice of motion, the following order was passed by this Court on 02.03.2016:-

“CRM No.6977 of 2016:

In view of the averments made in the application, prayer is allowed. The date in the main case which otherwise was fixed for 09.03.2016 is preponed and the main case is taken up on board today itself.

Application is disposed of.

Main case:

The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the

petitioner in case FIR No.303 dated 21.05.2015, under Sections 323/379/147/149/506 IPC (later on converted in Sections 323/325/506/34 IPC), registered at Police Station Sector-5, Gurgaon, District Gurgaon.

Briefly, it may be noticed that the FIR in question came to be registered on the statement of Sunil Kumar S/o Kapoor Singh. As per complainant, a plot of land was sold by uncle (fufa) of the complainant to the present petitioner for a sale consideration of Rs.30 lacs and out of which Rs.23 lacs had already been received and Rs.7 lacs was a balance. Accusations in brief are that the balance amount is not being paid by the present petitioner even though he is in possession of the plot in question.

Counsel would argue that it is version of the complainant himself that the agreement to sell had been entered into between the petitioner and uncle of the complainant i.e. Ram Singh and who has gone missing. It is further submitted that upon having paid Rs.23 lacs out of the total consideration amount of Rs.30 lacs, possession had been delivered and as per counsel for the petitioner he is ready and willing to even pay the balance amount of Rs.7 lacs upon the sale deed being executed in his favour by the seller i.e. Ram Singh.

Notice of motion, returnable on 25.05.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from HC Dinesh

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

That apart the contentions noticed while issuing notice of motion have gone unrebutted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 02.03.2016, passed by this Court, is made absolute.

Disposed of.

25.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE