

Sr. No. 211

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-5404 of 2016 (O&M)
Date of Decision: 11.05.2016

Baljeet

...Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Deepender Singh, 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.881 dated 08.11.2015, under Sections 418/420/467/468/471/506/120-B of Indian Penal Code, registered at Police Station Camp Palwal, District Palwal.

While issuing notice of motion, the following order was passed by this Court on 15.02.2016:-

The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.881 dated 08.11.2015, under Sections 418/ 420/ 467/ 468/ 471/ 506/ 120-B IPC, registered at Police Station Camp Palwal, District Palwal.

Counsel would submit that the petitioner is a

bonafide purchaser for valuable consideration in respect of a parcel of land measuring 7 kanals and 10 marlas. It is further contended that even as per version of the complainant, the entire sale consideration of Rs.15 lacs had allegedly been given to co-accused Nos.1 to 3, namely, Parma Nand, Mukesh and Savitri. It has further been submitted that the complainant has already instituted a suit for specific performance for this very parcel of land before the competent Court and in which the present petitioner has also been arrayed as a party defendant and such suit is pending adjudication. Contention raised is that under such circumstances, custodial interrogation of the petitioner would not be warranted.

Notice of motion, returnable for 11.05.2016.

In the meanwhile, petitioner is directed to appear before 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 ASI Krishan Kumar, would apprise the Court that the petitioner has since joined investigation.

It has also gone uncontroverted that the complainant has already instituted a suit for specific performance for the same very piece of land upon which the genesis of the allegations contained in the present FIR.

Under such circumstances, custodial interrogation of the

petitioner would not be warranted.

Petition is allowed. Order dated 15.02.2016, passed by this Court, is made absolute.

Disposed of.

11.05.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**