

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5985 of 2016 (O&M)

Date of Decision: 13.05.2016

Gorav Goyal

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Harish Bhardwaj, Advocate for
Mr. S.P.S. Sidhu, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.393 dated 25.9.2015 under sections 406, 420 I.P.C, registered at Police Station, City Gohana.

On 18.2.2016, while issuing notice of motion, the following order was passed by this Court:-

“Allegations are that the complainant has been cheated on account of a registered sale deed qua property having been executed without making full payment of the sale consideration.

Counsel would inter alia contend that insofar as the present petitioner is concerned, he was only an attesting witness to the sale deed and as such was not a beneficiary in any manner pertaining to the transaction.

Notice of motion, returnable for 13.05.2016.

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 S.I Suresh Chander would apprise the Court that the petitioner has since joined investigation. Court has also been apprised that the complainant has furnished an affidavit to the I.O to the effect that a settlement has been arrived at between the parties.

It has gone uncontroverted that the role of the present petitioner was only that of being an attesting witness to the sale deed and as such, not being a beneficiary of the transaction.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 18.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

13.05.2016
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