

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

Date of decision:22.03.2016

Kamal Gupta

.....Petitioner

v.

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Deepender Singh,Advocate for the petitioner

Mr.Gaurav Dhir,DAG Haryana with ASI Harish Kumar

Mr.Uday Chauhan,Advocate for complainant.

Jaswant Singh,J.(Oral)

On the last date of hearing the following order was passed:-

“Prayer is for grant of anticipatory bail to the petitioner in case FIR No.27 dated 28.1.2016 under Sections 420,406 IPC, registered with PS Sector 31, Faridabad.

As per the complainant-Dr.Rajesh Tewatia, the petitioner/accused had entered into an agreement to sell dated 01.07.2014 for sale of ground floor of a house. A sum of Rs. 11 Lacs was received as earnest money and the balance consideration was to be paid at the time of execution of the sale deed. Since neither the sale deed was executed nor the amount was refunded, the aforesaid FIR was lodged.

It is submitted that the parties have since arrived at a written compromise dated 27.2.2016 (Annexure P-2) and, therefore, prayer for grant of anticipatory bail to the petitioner.

Notice of motion for 21.3.2016.

To be shown in the urgent list.

At this stage, Mr. Uday Chauhan, Advocate has filed power of attorney on behalf of respondent no.2/complainant and has acknowledged the compromise(P-2).

In the event of arrest, the petitioner shall be released on interim bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/trial Court. The petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.PC.”

At the time of hearing today, learned State counsel on instructions from ASI Harish Kumar states that petitioner is yet to join investigation. However, in the light of stand of the counsel for complainant that he has received the entire amount in terms of compromise P-2, he is unable to seriously contest the prayer for grant of pre-arrest bail.

Learned counsel for the complainant has against stressed on the fact that he has received the entire amount and has no objection if the pre-arrest bail is confirmed.

In view of the aforesaid circumstances, the interim pre-

arrest bail granted vide order dated 2.3.2016 is made absolute.

Petitioner is directed to appear before the I.O., on any working day and join investigation.

Disposed of.

22.03.2016
joshi

(Jaswant Singh)
Judge