

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19670-2016

Date of decision: May 23, 2017.

Suresh Kumar

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Shri J.S. Bedi, Senior Advocate with
Shri S.S. Brar, Advocate for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

Shri Zile Singh Deswal, Advocate for the complainant.

A.B. Chaudhari, J.

This is a petition for grant of anticipatory bail in FIR No.75 dated 14.4.2016, under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Sadar Sirsa. This Court on 1.6.2016 had made an order recording reasons for granting ad-interim anticipatory bail to the petitioner.

The following reasons were given:-

“The complainants are Kuldeep and Sandeep. In a nutshell allegations are as regards the complainants having been enticed into a transaction for sale of a plot and having been duped of a sum of Rs.43,50,000/- approximately by the accused party on the strength of a G.P.A that had already been canceled by the original owner prior to the date of entering into the agreement to sell.

Contention raised on behalf of the present petitioner is that a G.P.A had been issued by the original owner i.e. Vinod in respect of the plot on 16.9.2011 and the petitioner had entered into an agreement to sell with one Malkit Singh co-accused on 8.5.2012. It is contended that G.P.A

was canceled subsequent in point of time i.e. on 4.10.2012. It is further argued that the complainants have entered into an agreement to sell on 5.2.2013 with co-accused Malkit Singh and the present petitioner is not privy/even a signatory to such agreement.

Yet another factual position that has been brought forth is that the complainants have already instituted a suit for specific performance in relation to the agreement to sell dated 5.2.2013 on 12.9.2013 in which Malkit Singh, co-accused, Vinod, the original owner as also the present petitioner have been arrayed as party-defendants.

Notice of motion, returnable for 14.9.2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/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.”

Heard learned Counsel for the rival parties at length. Seen the reply by way of affidavit of Vijay Kumar, HPS, Deputy Superintendent of Police (HQ), Sirsa dated 19.5.2017. The affidavit in reply is in response to the order made by this Court for attachment of the properties. The details in respect to the properties held by the wife of Raj Kumar, i.e., mother of Vinod Kumar have also been given. It is not in dispute that the suit for specific performance of the contract was instituted in relation to the agreement dated 5.2.2013 on 12.9.2013 in which Malkit Singh, co-accused and Vinod Kumar, the original owner, have been arrayed as party defendants. In so far as the present petitioner is concerned, the role attributed to Suresh Kumar is that of GPA and it is alleged that he had taken the money from Malkit Singh. It is however seen from the record that the petitioner is not a privy to the contract or agreement and therefore, in my opinion, looking to the allegations against him, which are not directly involving him, ad-interim order of anticipatory bail granted to him deserves

to be confirmed. In the result, I make the following order:-

ORDER

(i) CRM-M-19670-2016 is allowed.

(ii) Ad-interim order dated 1.6.2016 granting ad-interim anticipatory bail to the petitioner is made absolute.

May 23, 2017.

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[A.B. Chaudhari]
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No