

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

CRM-M-19603-2017

Date of decision: 28.09.2017

Sudheer Yadav

.... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurinder Pal Singh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Hari Pal Verma, J.(Oral)

Prayer in this petition, filed under Section 438 Cr.PC, is for grant of anticipatory bail to the petitioner in case FIR No.126 dated 16.02.2017 under Sections 406, 418 and 420 IPC registered at Police Station Model Town, District Rewari.

On 30.05.2017, this Court has passed the following order:

“Petitioner seeks concession of pre-arrest bail in case FIR No.126, dated 16.02.2017, under Sections 406/418/420 IPC, registered at Police Station Model Town, District Rewari.

FIR has been registered on the complaint of one Chanderhass. Complainant asserted that he had entered into an agreement to sell with the petitioner on 06.04.2015 as regards a plot ad measuring 50 Sq. Yards for a total sale consideration amount of Rs.2.05 lakhs and out of which Rs.2 lakhs was given as earnest money. The target date for registration of the sale deed was fixed as 05.04.2016.

Allegations in a nutshell are that the sale deed has not been registered and the earnest money has been misappropriated.

Even as per complainant's version, the possession of the plot was not delivered. For a mere sum of Rs.5000/-, one year time was fixed for registration of the sale deed.

Counsel would inter alia contend that the allegations on the face of it are improbable.

Counsel further submits that the concession of anticipatory bail has been denied by the learned Additional Sessions Judge, Rewari in the light of order dated 11.05.2017 by observing that there is another FIR No.141 dated 03.03.2017, under Sections 420/418/406 IPC and in which there are similar allegations against the petitioner. Even as regards such FIR, it is contended that the FIR was got lodged by an accomplice of the complainant herein, namely Parmatma Sharan and the petitioner has been granted ad interim protection by this Court.

Notice of motion, returnable for 11.09.2017.

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 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 on instructions from ASI Mukhtiar Singh submits that the amount as referred in the FIR is required to be recovered from the petitioner and has opposed the anticipatory bail.

The only ground on which the bail of the present petitioner is opposed is recovery of amount. Considering the fact that the petitioner has

joined the investigation and his culpability is yet to be established during trial, the present petition is allowed and the order dated 30.05.2017 is made absolute, however, subject to condition that the petitioner shall deposit 50% of the amount as detailed in the FIR with the trial Court within a period of one month from today. The amount so deposited shall be subject to the outcome of the trial. In case, the petitioner fails to deposit the said amount, the present petition would be deemed to be dismissed.

(HARI PAL VERMA)
JUDGE

28.09.2017

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| 1. Whether reportable? | Yes |
| 2. Whether speaking/Non-speaking? | Yes/No |