

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38118 of 2016

.....

Date of decision:16.1.2017

Mohit Bhatia

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. Akshay Bhan, Senior Advocate with Mr. Gurinder Singh,
Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr. S.S. Narula, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.303 dated 2.6.2016 registered for the offences under Sections 120-B, 406, 420, 467, 468, 471 and 506 IPC at Police Station Faridabad Central, District Faridabad.

Notice of motion has been issued in this case.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. S.S. Narula, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned Deputy Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that the FIR in the present case has been got registered by Prince Bhatia mainly on the allegation that Deepak Bhatia and Vijay Bhatia had resigned from M/s Bhatia Cranes Private Limited and R.K. Bhatia compensated to them on 4.8.2014. Vijay Bhatia and Deepak Bhatia having no concern with M/s Bhatia Cranes Private Limited and after resigning from the post of Directors prepared the agreement to sell dated 17.1.2014 as well as receipt for ₹47,50,000/- out of which the alleged purchased i.e. the preset petitioner had paid an amount of ₹30 Lakhs in cash and the remaining amount was to be paid by the purchaser at the time of execution of the sale deed. It has been stated that this agreement was anti-dated just to harass the complainant and put liability upon him.

The present petitioner has already joined the investigation. The petitioner is not stated to be beneficiary in the agreement to sell. He is not required for any custodial interrogation nor anything is to be recovered from him. The case is based on documentary evidence. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 24.10.2016 passed by this Court granting interim bail to the petitioner is made absolute. However, the

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petitioner shall join the investigation as and when called upon to do so
and shall abide by the conditions of Section 438 (2) Cr.P.C.

January 16, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No