

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

CRM-M -43643 of 2016 (O&M)
Date of decision: 15.02.2017

Prem Prakash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Kunal Dawar, Advocate for the petitioner(s).

Mr. Naveen Kaushik, Addl. A.G., Haryana
assisted by ASI Ramesh Chand.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.608 dated 09.09.2016, registered under Sections 420, 467, 468, 471 and 120-B of IPC, at Police Station Central Faridabad, District Faridabad.

On 07.12.2016, this Court had passed the following order:-

“Learned counsel contends that the petitioner purchased the land in question vide an agreement to sell dated 12.12.1984 (Annexure P-3). In the year 1986, however, the mutation could not be sanctioned in favour of the petitioner. In the meantime, in the year 1986, the land in question was acquired by Haryana Urban Development

Authority (HUDA). Despite the acquisition by the State Authority, the petitioner remained unaware of the acquisition. The award money was lifted by the original owner. However, in the year 2009, the land in question was mutated in favour of the petitioner who sold it vide a sale deed dated 31.03.2010 in favour of Tara Chand Bhati. The mutation stand sanctioned in his favour. Tara Chand Bhati has however, sold the land to one Deepak Bhadana. Learned counsel further contends that successive transactions have taken place due to the negligence of the complainant. The petitioner in fact is the aggrieved party as he has been deprived of the award money as he was original owner on the basis of an agreement to sell (Annexure P-3). HUDA is not the aggrieved party.

Notice of motion for 03.02.2017.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3. That he shall not leave India without prior permission of the Court.”*

It is contended that in pursuance of the order dated 07.12.2016, the petitioner has joined the investigation

The learned State counsel, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 07.12.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

15.02.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No