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

CRM-M No.44306 of 2016

Date of Decision: 08.03.2017

SURENDER KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. V.K. Jindal, Sr.Advocate with
Mr. Amandeep Sheoran, Advocate
for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

None for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Learned Senior counsel for the petitioner contended that initially FIR No.470 was registered on 03.12.2014 under Sections 384, 387, 506, 120-B, 34 342, 392 IPC and under Sections 25/54/59 of the Arms Act at Police Station Butana District Karnal. Petitioner was granted regular bail by the Additional Sessions Judge, Karnal on 06.02.2015. Thereafter offence under Section 397 IPC was added. Police investigated the case and found the petitioner to be innocent. Petitioner has been summoned only under Section 319 Cr.P.C., by the Court.

Petitioner has also filed a petition bearing CRR No.350 of 2017 in which the order dated 01.11.2016 summoning the petitioner as an additional accused to face the trial has been assailed by him. In the said case, on 03.02.2017, notice of motion was issued for today on the contention of learned Senior counsel for the petitioner, that petitioner was a proposed vendee

in an agreement to sell dated 09.05.2013. The said transaction could not be materialized and was ultimately cancelled. The amount in question was not returned to the petitioner for which the petitioner has already filed a suit for recovery to the tune of Rs.55 lacs along with interest. The complainant while appearing as PW-1 only reiterated the allegations made in the FIR, which were duly investigated by the Police and the petitioner was found to be innocent after due investigation.

None has appeared on behalf of the complainant in the abovesaid case which was ordered to be listed along with the present petition on 03.02.2017.

In view of above, I deem it appropriate to make the interim order dated 12.12.2016 as absolute. However, petitioner shall appear before the trial Court on 17.03.2017 and in the event of his appearance, trial Court shall grant him bail subject to its satisfaction. Petitioner shall keep on appearing on each and every date of hearing before the trial Court.

Petition stands disposed of.

March 08, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No