

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

CRM No.M-46684 of 2016 (O&M)

Date of Decision: 01.03.2017

Raj Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Manoj Kaushik, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

Mr. J.S. Hooda, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.691, dated 21.10.2016, under Sections 420/447/448 IPC, registered at Police Station Sarai Khawaja, District Faridabad.

While issuing notice of motion on 11.01.2017, the following order was passed by this Court:

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.691, dated 21.10.2016, under Sections 420/447/448 IPC, registered at Police Station Sarai Khawaja, District Faridabad.

Counsel submits that the allegations are with regard to a plot measuring 50 Sq. yards that had been sold by the GPA holder of the petitioner and in favour of the complainant. It is contended that the petitioner himself has been defrauded by the co-accused, namely, Mukesh Panchal, who was the GPA holder and a civil suit has already been instituted by the present petitioner in the month of May, 2016 and wherein the complainant as also the co-accused have been impleaded as party defendants. Further submitted that the dispute is essentially civil in nature and the present FIR is a counter

blast to the civil suit that had been filed by the petitioner.

Notice of motion, returnable for 01.03.2017.

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 the 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 upon instructions from ASI Anil Kumar has apprised the Court that the petitioner has since joined investigation. He would, however, submit that the petitioner is not cooperating in the investigation inasmuch as the original GPA has not been furnished.

To meet such stand taken on behalf of the State, counsel appearing for the petitioner would submit that the GPA had been cancelled on 20.05.2015 and at that stage, the original GPA had been surrendered before the Sub Registrar concerned.

The facts that had been noticed in the notice of motion order have largely been gone un rebutted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Accordingly, petition is allowed. Order dated 11.01.2017 passed by this Court is made absolute.

Disposed of.

01.03.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |