

201-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-704-2017(O&M)
Date of decision-07.03.2017

Kashmir Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sarfraz Hussain, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana assisted by
SI Ram Kumar.

Mr. Rajesh Bhateja, Advocate for the complainant.

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.115 dated 04.07.2016, registered under Sections 406, 420, 467, 468, 471 and 120-B of Indian Penal Code at Police Station Rajound, District Kaithal.

On 01.02.2017, this Court had passed the following order:-

“The land in question was sold to the complainant in the year 2006. At the time of sale, the bank had a charge on the land to the extent of Rs.10,59,000/- whereas, the petitioner certified that it is free from all incumbrances. However, subsequent to the sale, the complainant came to know about the fact that the land already stands mortgaged with the bank. Now, the petitioner has cleared the loan and 'No Due Certificate' has been issued by the Sarva Haryana Gramin Bank, Rajound.

Learned counsel for the petitioner states that in pursuance of the order dated 26.09.2016, the petitioner has joined the investigation. A compromise

has been reached between the complainant and the petitioner.

The learned State counsel does not dispute the factum of compromise but states that the petitioner is required for custodial interrogation to unearth involvement of other persons as to how the fake document was generated by the petitioner.

Post again on 7.3.2017.

The petitioner is again directed to join the investigation on 3.2.2017 at 11.30 a.m. in Police Station Rajound, District Kaithal.

Interim order to continue.”

It is contended that in pursuance of the orders dated 01.02.2017 and 16.01.2017 passed by this Court, 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.

Learned counsel for the complainant admits the factum of compromise.

In view of the above, without expressing any opinion on the merits of the case, order dated 16.01.2017 whereby the petitioner was released on interim bail, 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.

March 07, 2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No