

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-15541-2018
Date of Decision: 30.07.2018

Dheeraj Kumar Saini

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Deepak Saini, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.
None for the complainant.

...

Inderjit Singh, J.

Petitioner Dheeraj Kumar Saini has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.1039 dated 04.11.2017, registered at Police Station Chandni Bagh, Panipat, under Sections 406, 420, 467, 468, 471, 120-B, 34 and 506 of Indian Penal Code.

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the prosecution version, the present petitioner entered into an agreement to sell with the complainant and had taken huge amount of the earnest money. The sale deed was to be executed on 30.11.2016, which was got extended by the petitioner upto 31.12.2016. As per the allegation, the present petitioner filed an application before the HUDA

authorities for transferring the plot in question in the name of his nephew

Rajesh Saini, which subsequently was withdrawn and thereafter, another application was filed for transferring the same plot in the name of Kamal Juneja.

In pursuance of the interim order dated 23.04.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. The case is based on documentary evidence and dispute is mainly of civil nature. No useful purpose would be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 23.04.2018, granting interim bail to the petitioner, is made absolute. However, the 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.

However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

30.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No