

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

**CRM-M-21746-2018 (O&M)
Date of Decision:19.07.2018**

Parveen Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Navjeet Sodhi, Advocate
for the petitioner.
Mr. Manish Dadwal, A.A.G. Haryana.
Mr. Deepak Singh, Advocate
for the applicant-respondent No.2.

P.B. BAJANTHRI J. (Oral)

CRM-23163-2018

In view of the averments made in the application as well as affidavit, complainant-Davinder Yadav son of Nahar Singh aged 35 years, Village Chandawali, Tehsil Ballabgarh, District Faridabad is impleaded as party respondent No.2 subject to all just exceptions. Amended memo of parties is ordered to be taken on record at appropriate place.

Application stands allowed accordingly.

CRM-23164-2018

The application is allowed as prayed for. Documents Annexures R-2/1 and R-2/2 (colly) are taken on record subject to all just exceptions.

Main case

In the instant petition, petitioner has sought for anticipatory bail under the provision of Section 438 Cr.P.C in case FIR No.264 dated 07.03.2018 registered under Sections 420/406 IPC at Police Station City Ballabgarh, District Faridabad.

2. The aforesaid FIR has been filed on account of certain alleged

transaction between the petitioner and the complainant in respect of sale and purchase of Innova Vehicle. The entire transaction of Rs.13,70,000/- is stated to be transacted by means of cash. Though, in some of the documents petitioner has admitted but at the same time it is disputed by him stating that due to coercion, he was compelled to sign. That apart before the trial Court his counsel sought time that there would be chances of compromise among the parties. In view of these facts and circumstances, petitioner is entitled to anticipatory bail.

3. While resisting the petitioner's claim, State counsel filed reply on behalf of State by Balbir Singh HPS, Assistant Commissioner of Police, Ballabgarh, which is taken on record. Learned State counsel submitted that custodial interrogation of petitioner is required, however, admitted the fact of litigation between the parties from last some months.

4. Heard the learned counsel for the parties.

5. As the petitioner and respondent are in litigation over the issue of money transaction in respect of Innova Vehicle and no case for custodial interrogation is put-forth by prosecution, accordingly benefit of anticipatory bail is extended to the petitioner. Petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on pre-arrest anticipatory bail by the Investigating Officer on his furnishing bail/sureties bonds to his satisfaction subject to the conditions as envisaged under Section 438(2) Cr.P.C.

5. Petition is allowed accordingly.

19.07.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No