

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

CRM-M-25625-2018
Date of decision: 25.09.2018

Rakesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Vikas Kumar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 136 dated 24.03.2018, registered under Sections 420, 467, 468, 471 and 34 of the IPC at Police Station Ratia, District Fatehabad.

The operative part of the order dated 12.06.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that as per allegations in the FIR, on the basis of a forged power of attorney, four persons have sold the land to the petitioner, who purchased the same after giving the sale consideration, however, later on, one of the co-owner namely Raj Kumar got an FIR No.269 dated 02.05.2017 registered under Sections 419, 420, 467, 468, 471, 120-B IPC. It is further submitted that the petitioner was an accused in that FIR and a compromise was effected between the parties and aforesaid Raj Kumar filed a suit for declaration against the petitioner for seeking a decree

to get the sale deed set aside and the said suit was decreed vide judgment and decree dated 24.07.2017 (Annexure P-7). Later on, even the entries in the revenue record have also been reversed in favour of the original owners. Learned counsel for the petitioner further submits that on the basis of compromise effected between the petitioner and aforesaid Raj Kumar, the petitioner thereafter filed CRM-M-26938-2017 praying for quashing of FIR No.269 and the same was allowed vide order dated 01.09.2017, quashing the FIR qua petitioner (Annexure P-8). It is further submitted that now the present FIR has been registered on the same set of allegations despite the fact that the sale deed has already been set aside and entries in the revenue record have been reversed in favour of the original land owners. Notice of motion for 04.09.2018.”

Learned State counsel, on instructions from HC Amarjit Singh, has stated on 04.09.2018 that the petitioner has joined investigation and even the police has prepared a cancellation report. This fact is not disputed by learned counsel for the complainant.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 12.06.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

September 25, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No