

Sr. No.204

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

CRM No. M-40619 of 2017 (O&M)

Date of Decision: 08.02.2018

Rajesh Kakkar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Rajiv Dhawan, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

Mr. Pankaj Bali, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.617 dated 03.08.2017, under Sections 406/420/34 IPC, registered at Police Station Civil Lines, Karnal.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Balwinder Singh Waraich. Complainant asserted that he had entrusted a sum of Rs.3,81,000/- to the present petitioner as also co-accused, namely, Harsh Kanda and Ramesh Saini for purchase of a residential house in Sector-13, Karnal with the understanding that profit emanating from the deal would be shared. Precise

allegations are that no profit element has come to the hands of the complainant and rather his initial amount of Rs.3,81,000/- has been lost.

Counsel representing the petitioner has during the course of arguments adverted to the documents placed on record at Annexures P-3 and P-4 which are in the nature of an agreement to sell between the owner of the residential house, namely, Joginder Singh and co-accused Ramesh Saini in the first place and a subsequent mutual agreement between co-accused Ramesh Saini and the complainant and whereby a receipt of Rs.3, 81,000/- stands acknowledged.

The contents of the agreement at Annexures P-3 and P-4 are not even disputed by counsel representing the complainant.

Apparently, the allegations are with regard to the contractual obligations arising out of two separate agreements having not been discharged.

The uncontroverted factual premise is that till date the complainant has not taken resort to any other civil remedy for effecting recovery of Rs.3, 81,000/-.

Learned State counsel upon instructions from ASI Kulwinder Singh apprises the Court that the petitioner otherwise has joined investigation in pursuance to the order dated 30.10.2017 passed by this Court.

For the reasons recorded above, this Court is of the considered view that custodial interrogation of the petitioner is not warranted.

Prayer is accepted. Order dated 30.10.2017, passed by this Court is made absolute.

Disposed of.

08.02.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No