

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

(i) CRM No.M-44386 of 2017 (O&M)

Brahampal @ Brahmpal

...Petitioner

VERSUS

State of Haryana

...Respondent

(ii) CRM No.M-45728 of 2017 (O&M)

Ram Niwas

...Petitioner

VERSUS

State of Haryana

...Respondent

Date of Decision: July 11, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Pratham Sethi, Advocate
for the petitioner (in CRM No.M-44386 of 2017).

Mr.Naresh Kumar, Advocate
for the petitioner (in CRM No.M-45728 of 2017).

Mr.B.S.Virk, DAG, Haryana
for the respondent-State.

Mr.Gautam Dutt, Advocate
for the complainant.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as these
have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C.

for grant of anticipatory bail in case FIR No.137 dated 31.10.2017 under Sections 120-B, 342, 392, 406, 420, 452, 467, 468, 471, 506 IPC and Section 25 of the Arms Act, registered at Police Station Bapoli, District Panipat.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petitions.

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

From the record, I find that FIR in the present case, has been registered on the basis of complaint filed by Rajesh Kumar complainant against Brahmpal @ Brahmpal, Ram Niwas and Pardeep @ Bhalu, which was sent under Section 156(3) Cr.P.C. for registration of a case. The main allegations as per complaint are that complainant entered into an agreement to purchase a house and paid ₹25 lakhs as earnest money etc. Later on, he came to know that house was in the unauthorized colony and also near the Army and Air Force Depot and government has banned the registration of that area.

The perusal of the FIR shows that complainant had been taken to the site and he had seen the disputed property himself. Learned counsel for the petitioners argued that even if the allegations of the FIR are taken as it is, even the, the purchaser has to make enquiries and moreover, the purchaser/complainant can file the civil suit, at the most, for recovery of the amount.

The petitioners have already joined the investigation. They are not required for custodial interrogation. The case is based on documentary

custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioners are entitled to benefit of grant of anticipatory bail. Therefore, both the petitions are accepted and the order dated 27.11.2017 passed in CRM No.M-44386 of 2017 and order dated 04.12.2017 passed in CRM No.M-45728 of 2017 granting interim bail to the petitioners, are made absolute.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 11, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No