

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
202**

CRM-M NO.46 OF 2018

DATE OF DECISION: JANUARY 24, 2018

Dhan Singh and another

.....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Kamal Chaudhary, Advocate,
for the petitioners.**

**Mr. Sharad Kumar Yadav, DAG, Haryana,
for the State.**

**Mr. J. P. Sharma, Advocate,
for the complainant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

The petitioner has approached this Court for grant of anticipatory bail.

The case came up for hearing on 02.01.2018, on which date interim bail to the satisfaction of Arresting Officer was granted. In pursuance to the said order, it is an admitted case that the petitioners have joined investigation.

Counsel for the State, on instructions from SI Ranbir Singh, Police Station Faridabad Central, District Faridabad, states that the original agreement to sell dated 06.02.2017 relating to 200 Sq.Yards of land, which was a part of 600 Sq.Yards land and was agreed to be sold to the

complainant vide agreement dated 12.04.2016, had been entered into between the petitioners and Suman Devi wife of Sanjay Singh.

A perusal of the allegations in the FIR as also the order passed by the learned Additional Sessions Judge, Faridabad, would clearly show that the subsequent agreement to sell was with Suman Devi wife of Sanjay Singh, who would be in possession of the original agreement to sell and not the petitioners.

Counsel for the complainant has also vehemently argued that it is a gang of land grabbers of village Tigaon, District Faridabad, who have taken possession of 1300 Sq.Yards of land without any title, which is the village of the accused as well and, therefore, the petitioners should not be granted the concession of anticipatory bail. He further states that an amount of ₹23 lacs has been paid by the complainant to the petitioners, which also has to be recovered.

Having considered the submissions made by counsel for the parties and keeping in view the fact that the petitioners have joined the investigation and the agreement to sell dated 06.02.2017, which is sought to be recovered by the Investigating Officer, would not be in possession of the petitioners as the said agreement to sell was entered into with Suman Devi wife of Sanjay Singh, and, therefore, the said original document would be with her, the interim order dated 02.01.2018 is liable to be confirmed.

In view of the above and keeping in view the fact that the petitioners have joined investigation, order dated 02.01.2018 is made absolute. This shall, however, be subject to the terms and conditions as envisaged under Section 438(2) (i) to (iv) Cr.P.C.

Petition stands disposed of accordingly.

However, any observation made herein above shall have no bearing on any proceedings relating to the subject matter of the instant FIR.

**January 24, 2018
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No