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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.46910 of 2017
Date of Decision: 27.02.2018

Chaturbhuj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. P.C. Yadav, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

Mr. P.C. Yadav, Advocate, has put in appearance and filed his fresh Vakalatnama on behalf of the petitioner.

2. Ld. Counsel for the petitioner submits that his client is entitled to bail at par with co-accused Keshav, who has already been released on bail.

3. It, however, transpires that the bail granted to the said co-accused was under Section 439 of the Code of Criminal Procedure and was not an anticipatory bail which is being sought for in the present petition.

4. It is undisputable that the petitioner had actually entered into agreement with the complainant, when civil litigation concerning the said plot was already on. Irrespective of the nature of the petitioner's

involvement, there is no justification for his having concealed the fact of pendency of the suit concerning the land which he transferred to the complainant.

5. It may be further mentioned that on the last date, time had been sought for on behalf of the petitioner to ascertain and report whether he is now willing to honour his written commitment allegedly given on 17.07.2017, when he was not yet arrested.

6. Ld. Counsel appearing for the petitioner, however, in response to the pointed query of the Court as to whether his client now honour his above written commitment, instead of giving a direct reply, submits that “mutation in favour of the complainant was done” and that the petitioner undertakes to comply with all the conditions of bail as might be imposed upon him by this Court.

7. Such submission clearly smacks of a presupposition that the petitioner is going to be granted bail, with which the Court is not in agreement considering the available material.

8. For the aforesaid reasons, the prayer of the petitioner for grant of anticipatory bail is rejected and the earlier order of interim bail stands recalled.

9. Dismissed.

27.02.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No