

**CRM-M-5654-2018 and
CRM-M-7770-2018**

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

Date of Decision: 26.09.2018

1. CRM-M-5654-2018

Sachin Gupta

... Petitioner

Versus

State of Haryana

... Respondent

AND

2. CRM-M-7770-2018

Kailash Gupta

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Namit Khurana, Advocate,
for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Shrey Goyal, Advocate,
for the complainant.

INDERJIT SINGH, J.

This order shall dispose of CRM-M-5654-2018, filed by
petitioner-Sachin Gupta and CRM-M-7770-2018, filed by petitioner-
Kailash Gupta, under Section 438 of the Code of Criminal Procedure, 1973

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(for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.20 dated 21.01.2018, registered at Police Station Babain, District Kurukshetra, under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code.

Notice of motion was issued in both these petitions. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through his counsel. They contested both these petitions.

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

Learned counsel for the petitioners argued that admittedly, Sudama alias Anand Kumar, brother of petitioner-Kailash Gupta, was owner of the property in question and had given general power of attorney in favour of Kailash Gupta in the year 2002. Learned counsel further submitted that during the life-time of Sudama alias Anand Kumar, agreement to sell was entered and whole sale consideration was received and affidavit etc. were given in this regard. The only allegation against petitioner-Kailash Gupta is that after the death of Sudama alias Anand Kumar, he (petitioner-Kailash Gupta) had got executed sale deed in favour of the vendee. Learned counsel further contended that complainant is not the legal heir of Sudama @ Anand Kumar and in fact, his legal heirs have no grievance of any type against the present petitioners. Learned counsel further argued that as per the allegations, petitioner-Sachin Gupta son of Kailash Gupta has simply signed as a witness on the sale deed.

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In pursuance of the interim orders dated 09.02.2018 passed in CRM-M-5654-2018 and dated 22.02.2018 passed in CRM-M-7770-2018 by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. The case is mainly based on the documentary evidence. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The orders dated 09.02.2018 passed in CRM-M-5654-2018 and dated 22.02.2018 passed in CRM-M-7770-2018, granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

26.09.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No