

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

**Crl. Misc. No.M-9052 of 2018 (O&M)
Date of Decision: May 16, 2018**

Kalu RamPETITIONER(s).

VERSUS

State of HaryanaRESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S.Sidhu, Advocate
for the petitioner (s).

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

Mr. Satbir Gill, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 235 dated 05.09.2017 registered for the offences punishable under Sections 420, 406 read with Section 120-B of Indian Penal Code at Police Station Rania, District Sirsa.

Heard.

Learned State counsel submits that as per the allegations of the complainant, he had entered into agreement with Rakesh Kumar for purchase of 32 kanals of land in village Jodhpuria, which was owned by the petitioner, who had executed an agreement to sell that land to Rakesh Kumar. A sum of ₹5,20,000/- was paid as earnest money in addition to an amount of ₹3 lakh, payable by Rakesh Kumar to complainant, was also

Rakesh Kumar in the presence of petitioner-Kalu Ram. Later, the agreement in favour of Rakesh Kumar was cancelled by the petitioner and earnest money paid by the complainant has not been returned. The petitioner was also inconnivance with Rakesh Kumar in the entire deal to cheat the complainant.

Rakesh Kumar, who is the main accused, has already been arrested in this case. As per the allegations, the complainant has remedy to recover amount paid by him to Rakesh Kumar.

Keeping in the view the fact that the petitioner has joined the investigation and no payment was directly made by the complainant to the petitioner, but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 14.03.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

May 16, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No