

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

CRM-M-7566-2019
Date of decision: 01.04.2019

Mukesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. K. Tripathi, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.726 dated 05.11.2018 registered under Sections 420, 467, 468, 471, 120-B and 506 IPC at Police Station Saran, District Faridabad.

The operative part of the order dated 20.02.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner has submitted that as per the allegations in the FIR, which was got registered by one Jaidev, on 15.01.2013, the co-accused namely Rajni entered into an agreement to sell a plot for Rs.4.50 lacs and received Rs.3.90 lacs as earnest money and thereafter, on the stipulated date, the seller did not come present for execution of the sale deed and thereafter, the complainant filed a suit for specific performance of the agreement which was withdrawn on 16.07.2015 as the co-accused – Rajni agreed to execute the sale deed and the same was executed on 07.07.2015 in the name of mother of the complainant namely Smt. Atri Devi. Counsel for the petitioner has further argued that when the complainant

visited the plot, he found that another co-accused Kapil Bhadana, was in possession of the plot and on that pretext, the FIR was registered. It is further submitted that the petitioner is only an attesting witness to the agreement to sell and was not a beneficiary and the FIR has been registered after a long lapse of time. Notice of motion for 01.04.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 20.02.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from SI Ali Mubin, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 20.02.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

01.04.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No