

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

**CRM-M No.7361 of 2019 (O&M)
Date of Decision: 02.05.2019**

Rajesh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Atul Lakhanpal, Senior Advocate assisted by
Ms. Neha Lakhanpal, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

Mr. Aditya Sanghi, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.674 dated 03.12.2018, under Sections 420, 406, 506 and 120-B of the Indian Penal Code, 1860, registered at Police Station City Fatehabad, District Fatehabad.

This Court, on 25.02.2019, passed the following order:-

“ Contends that civil suit between the parties i.e petitioner Rajesh Kumar and complainant Raj Kumar is already pending.

Learned counsel for the complainant seeks time to have instructions in the matter.

On his request, adjourned to 27.03.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer shall admit him to interim bail till the next date of hearing on his furnishing adequate bail

and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”

Contentends that in terms of above order, petitioner has joined the investigation and his custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Risal Singh.

Learned Counsel for the complainant expressed his anxiety only regarding the veracity of the Agreement to Sell dated 26.02.2016 (P-1).

In view of above, interim order dated 25.02.2019 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The observations may not be considered as an expression of opinion on the merits of the case.

However, it is made clear that this Court is not expressing any opinion on the legality and validity of the Agreement to Sell dated 26.02.2016 (P-1).

May 02, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes