

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

CRM-M-20037-2016

Date of decision-22.05.2019

Sanjay Tyagi

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Deepak Sabharwal, Addl.A.G.Haryana.

Mr. D.D.Sharma, Advocate for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.472 dated 02.09.2013 under Sections 420, 465, 467, 468, 471 and 120-B of Indian Penal Code registered at Police Station Central Faridabad, District Faridabad. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 02.06.2016 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Prayer is for grant of anticipatory bail to the petitioner-Kailash Bainsla in case FIR No.472 dated 02.09.2013 for offences punishable under Sections 420, 467, 465, 468, 471 and 120-B IPC registered with Police Station Central, Faridabad. It is contended that co-accused Sanjay Sharma and Sunita Sharma have prayed for similar relief in CRM-M No.36240 of 2015 and 39583 of 2015 and have been extended the benefit of interim

protection and the said petitions are now listed for hearing on 27.07.2016. Notice of motion for 27.07.2016. To be heard with CRM-M Nos.36240 & 39583 of 2015. Till next date of hearing, in the event of arrest, petitioner shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, he shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner had joined investigation on numerous occasions. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned counsel appearing on behalf of the complainant-Society opposed the bail application on the ground that the petitioner-Sanjay Tyagi had sold the land belonging to the complainant, namely, Aman Goyal through sale deed dated 04.04.2014 and received a sum of Rs.1,50,00,000/- in cash from him. It is pointed out that his custodial interrogation is necessary as he has not disclosed the name of Surender Tyagi who executed the sale deed in favour of Aman Goyal.

Learned State counsel who is assisted by SI Sunil Kumar does not dispute that the sale deed in question does not contain the name of the petitioner as vendor and the same contains recital that the sale consideration of Rs.1,50,00,000/- was received by Surender Tyagi. He is further unable to justify the prayer for custodial interrogation of the petitioner particularly when the victim, namely, Aman Goyal has failed to reveal the particulars of Surender Tyagi from whom the land was purchased which is registered

before the authorities under the Indian Registration Act, 1908.

Considering the above, this Court is of the considered opinion that it is not a case where the custodial interrogation of the petitioner is necessary as entire case of the complainant is founded on the documentary material. Therefore, the petition is allowed and the interim bail granted by this Court vide order dated 02.06.2016 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

22.05.2019

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No