

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12907-2019

Date of Decision: 14.05.2019

Suresh Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.

Mr. Navdeep Singh, AAG, Haryana.

...

Inderjit Singh, J. (Oral)

Petitioner Suresh Kumar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR 38 dated 16.02.2019, registered at Police Station Civil Lines Bhiwani, District Bhiwani, under Sections 406 and 420 of the Indian Penal Code.

Notice of motion was issued.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

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

The FIR in the present case has been got registered on the basis of application of complainant Parveen Dutt Sharma. As per the allegations in the FIR, the present petitioner entered into agreement to sell with the complainant on 27.07.2016 and the sale deed was to be executed on 30.06.2017. But after taking the earnest money, the present petitioner had not executed the sale deed, rather he executed the sale deed on 02.01.2017

in the name of one Hanuman Prasad. The present FIR has been got registered in February, 2019.

In pursuance of the interim order dated 20.03.2019, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. The case is based on documentary evidence. No useful purpose would be served by sending him 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 this petition and the same is allowed. The order dated 20.03.2019, granting interim bail to the petitioner, is made absolute. However, the petitioner 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.

14.05.2019

Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No