

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-15681 of 2019

Date of Decision: July 23, 2019

Ram Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr. C.M. Munjal, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 33 dated 01.02.2019 under Sections 420, 406, 467, 468, 471 and 120-B of IPC registered at Police Station Badli, District Jhajjar. 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 05.04.2019 whereby the interim protection was extended to the petitioner. The said order reads as under:-

“According to the prosecution, complainant-Dharampal sold his entire share of land measuring 18 marlas, comprising Khewat No.100/80, khatoni No.111 except his share in Killa No.29/26. However, his vendee, in connivance with the petitioner, who being a Patwari at the relevant time was Incharge of the entire revenue record, also got mutated unsold land in his favour and further sold it to his nephew. As a result thereof, the complainant is being forced to file civil suit for declaration and injunction and lodged impugned FIR for committing cheating and fraud with him

against his vendee and the petitioner, burdening him for huge litigation expenses, besides fatigue.

Learned counsel fairly conceded that due to human error and clerical mistake of the petitioner, the land comprising killa No.29/26, which was not sold, was wrongly mutated in favour of co-accused vendee. It was a bona fide mistake of the petitioner. He has falsely been implicated in the instant case.

Notice of motion for 23.07.2019.

In the meantime, the petitioner shall deposit Rs.2.00 lakh before the trial court for onward payments of the same to the complainant as compensation/expenses, for which, he has unnecessarily been burdened, due to his alleged clerical mistake before joining the investigation. He would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

In case of non-compliance of this order qua deposit of Rs 2.00 lakh as compensation, the investigating officer is directed to arrest the petitioner”.

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. 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. He further submits that in terms of the order dated 05.04.2019, the petitioner has deposited Rs.2 lacs with learned trial Court and has produced the photocopy of the challan in the Court today, which is taken on record.

Learned State counsel who is assisted by ASI Parveen, does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Parveen further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.04.2019 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.

July 23, 2019
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[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No