

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-34988 of 2018

.....

Date of decision:10.05.2019

Harish Mahajan

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Vishal Sharma, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab
for the respondent-State.

Mr. Baljinder Singh, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.121 dated 8.6.2018 registered for the offences under Sections 406, 420 and 120-B IPC at Police Station City Kharar, District S.A.S. Nagar (Mohali).

Notice of motion has been issued in this case.

Mr. Dhruv Dayal, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Baljinder Singh, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties and learned State counsel appearing for the respondent-State and have gone through the record.

As per the prosecution version, the complainant has given

₹8,27,000/- to the petitioner which he has neither given to the vendor nor to the builder company. A perusal of the record shows that as per the complainant he has paid ₹25,27,341/- to WWICS Estate Pvt. Ltd in the year 2013 and the amount to the petitioner is also stated to be paid at that time, which the learned counsel for the petitioner denies. The FIR in the present case was got registered on 8.6.2018 i.e. after the delay of 4-5 years.

The learned State counsel states that the application was stated to be filed in the year 2017 before the Police. Learned counsel for the petitioner submitted that son of the complainant is in Police Department and the pressure has been put upon the petitioner, who is a property dealer, and has simply taken the commission for the deal, which was also returned by him.

The present petitioner has already joined the investigation. As stated he is not required for any custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 16.8.2018 passed by this Court 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.

May 10, 2019.

(Inderjit Singh)
Judge

hsp

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NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No