

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-19973 of 2019
Date of Decision: 14.11.2019

Azad SinghPetitioner

VERSUS

State of HaryanaRespondent

2. CRM-M-35313 of 2019

WahidPetitioner

VERSUS

State of HaryanaRespondent

3. CRM-M-39050 of 2019

Ashif KhanPetitioner

VERSUS

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Samridhi Sareen, Advocate
for Mr. Vinod S. Bhardwaj, Advocate
for the petitioner in CRM-M-19973-2019.

Mr. S.K. Tandon, Advocate
for the petitioner in CRM-M-35313-2019.

Mr. Mohit Rathee, Advocate
for the petitioner in CRM-M-39050-2019.

Mr. Munish Sharma, AAG Haryana.

Mr. Amaninder Preet, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 438 Code of

Criminal Procedure for grant of anticipatory bail to petitioners in case FIR

No.20 dated 08.02.2019 registered for offences punishable under Sections 379-A, 420, 506 and 120-B of Indian Penal Code, at Police Station Sadhaura, District Yamunanagar.

Heard.

Learned State counsel on instructions from SI Sukhwinder Singh submits that petitioners have joined the investigation and their custodial interrogation is no more required for the purpose of further investigation of the case.

Learned counsel for the complainant, while opposing grant of bail to petitioners, has argued that complainant was cheated by petitioners, Azad Singh, Wahid; and Julfan (non-petitioner), who trapped him in a deal for purchase of a vehicle no. HR-46-C-2837, stating that there was no loan or court case on it. When complainant took the vehicle after paying amount of ₹2,80,000/- to Julfan and ₹5000/- to Wahid as commission, it was trapped by bouncers of a finance company stating that loan was outstanding on it.

As per allegations in the FIR, petitioner-Azad Singh in CRM-M-19973-2019 referred the complainant to Wahid, who had mediated in the deal of complainant with Julfan. Role of petitioner-Ashif Khan in CRM-M-39050-2019 has been introduced at later stage, when a compromise was entered between the parties on 20.12.2018. Petitioner-Ashif Khan is neither owner of the vehicle nor was a party to deal.

Keeping in view above facts and submission of learned State counsel but without expressing any opinion on the merits of the case, these petitions are allowed and orders dated 03.05.2019, 28.08.2019 and 13.09.2019 are made absolute till the presentation of challan, subject to the

following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

November 14, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No