

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-24491-2019
Date of decision: 06.09.2019**

Kapil**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. S. K. Tripathi, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.726 dated 05.11.2018 registered under Sections 420, 467, 468, 471, 120-B and 506 IPC at Police Station Saran, District Faridabad.

The operative part of the order dated 28.05.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner has relied upon the order dated 20.02.2019 passed in CRM-M No.7566 of 2019, which reads as under:-

“....Counsel for the petitioner has submitted that as per the allegations in the FIR, which was got registered by one Jaidev, on 15.01.2013, the co-accused namely Rajni entered into an agreement to sell a plot for Rs.4.50 lacs and received Rs.3.90 lacs as earnest money and thereafter, on the stipulated date, the seller did not come present for execution of the sale deed and thereafter, the complainant filed a suit for specific performance of the agreement which was withdrawn on 16.07.2015 as the co-accused – Rajni agreed to execute the sale deed and the same was executed on 07.07.2015 in the name of mother of the complainant namely Smt. Atri Devi. Counsel for the petitioner has further argued that when the complainant visited the plot, he found that another co-accused Kapil Bhadana, was in

possession of the plot and on that pretext, the FIR was registered. It is further submitted that the petitioner is only an attesting witness to the agreement to sell and was not a beneficiary and the FIR has been registered after a long lapse of time. Notice of motion for 01.04.2019....”

Counsel for the petitioner has further submitted that the agreement to sell in favour of the petitioner is dated 04.12.2012 whereas the agreement to sell set up by the complainant is dated 15.01.2013. It is further submitted that the FIR is registered after about 03 years of the date of sale deed in favour of the mother of the complainant namely Atri Devi. It is also submitted that it is a primary dispute regarding possession of the property qua which both the parties have filed a civil suit. Notice of motion for 08.08.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 28.05.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Rakesh Kumar, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 28.05.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

06.09.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No