

CRM-M-57254-2018

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

CRM-M-57254-2018

Date of Decision: 07.02.2019

Samarpal Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.126 dated 22.08.2017, registered at Police Station Tigaon, District Faridabad, under Sections 120-B, 34, 406, 420, 467, 468 and 471 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance 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 gone through the record.

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From the record, I find that FIR, in the present case, has been got registered by one Somvir. As per the allegations in the FIR, the complainant had purchased two plots i.e. one for ₹1,86,834/- and another for ₹1,192,000/- from M/s SPR Realtech and Marketing Pvt. Ltd. The present petitioner is stated to be Director of the said Company. As per the allegations, the complainant had paid the total amount of ₹4,08,834/-, but neither the accused had handed over the possession of plots nor executed the sale deeds in favour of the petitioner.

Learned counsel for the petitioner submitted that the petitioner is not named in the FIR and nothing has been paid to him.

In pursuance of the interim order dated 19.12.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will 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 19.12.2018, 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.

07.02.2019

parveen kumar

Note:

Whether speaking/reasoned

Whether reportable

(INDERJIT SINGH)

JUDGE

: Yes

: No