

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

**Crl. Misc. No.M-46888 of 2018 (O&M)
Date of Decision: September 02, 2019**

Harsh Partap Singh and another

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Ishan Gupta, Advocate
for the petitioner (s).

Mr. Munish Sharma, AAG Haryana

Mr. Aditya Sanghi, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.309 dated 27.04.2017 registered for the offences punishable under Sections 120-B, 420 and 506 of Indian Penal Code (for short-IPC) and subsequently added Sections 419, 467, 468, 471 of Indian Penal Code, at Police Station Sirsa City, District Sirsa.

Heard.

As per case of the prosecution, complainant entered into a deal to purchase property of one Alok Kumar through Ravinder Singh, brother-in-law of petitioner. Complainant has alleged that he had made some payment to said Alok Kumar in cash and remaining payments were made to

Ravinder Singh, Mahinder Singh, petitioner No.2 and Harsh Partap Singh, petitioner No.1 as well. Part of the payment of deal of ₹1,65,00,000/- was made through cheques. The petitioners have joined the investigation as per order dated 22.05.2019.

Learned State counsel submits that the petitioners are not co-operating with the police on three counts; firstly, they are not disclosing the particulars of the person, who impersonated as Alok Kumar in the deal; secondly, original agreement was taken away by the petitioner No.1 and he is not giving the same to the police; and thirdly, they are also not returning the amount received by them through cheques. The petitioners had also given affidavits during the investigation, admitting their liability and issued the cheques as security, which were however not presented so far for encashment. On the asking of petitioners, payment of ₹35 lakhs was made to one Amit Wadhwa with whom the petitioners were having business dealings.

It is the matter to be seen by the Investigator as to under what circumstances, the payment of sale consideration was made to the petitioner No.1, his brother-in-law and father (petitioner No.2) despite the fact that complainant had no agreement with them. So far as non-disclosing the particulars of impersonator and producing of original agreement is concerned, this is not a reason for declining the bail to the petitioners as police can collect other evidence on these scores.

Keeping in view the fact that petitioners have joined the investigation, which is still in progress and most of the case is based on documentary evidence but without expressing any opinion on the merits of

the case, this petition is allowed and order dated 22.05.2019 is 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 presentation of challan in Court.

September 02, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***