

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

CRM-M No.11975 of 2020
Date of decision: 5th May, 2020

Dalbir Singh & another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gautam Kailey, Advocate for the petitioners.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana puts in appearance on behalf of the State on his own.

Allegations against the petitioners Dalbir Singh and Jagbir Singh, both brothers, in this first anticipatory bail application filed under Section 438 Cr.P.C. in case bearing FIR No.0107 dated 17.04.2020 under Sections 406, 420, 120-B IPC pertaining to Police Station Civil Lines, Kaithal, have been levelled by Shishan. In the complaint, it is alleged that the accused petitioners along with their co-accused non-applicant, entered into an agreement to sell in respect of a plot of land and on which premise ₹8.00 lacs were received by the accused side from the complainant and thereafter the plot was sold to another buyer leading to registration of the present case.

Learned counsel for the petitioners Mr. Gautam Kailey, Advocate inter alia contends that it was purely a civil dispute over the agreement to sell and that nothing is to be recovered from the petitioners.

On behalf of the State, Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana on instructions from SI Manveer Singh, Police Station Civil Lines Kaithal has not controverted the facts brought before this Court but has sought to stoutly oppose the grant of bail on the grounds that the petitioners along with their co-accused have been instrumental in siphoning off money of the complainant and that their custodial interrogation is essential.

Going through the submissions of the two sides, it is apparently a pure civil dispute over agreement to sell of a plot of land. Nothing is to be recovered from the possession of the petitioners. Thus, their joining the investigations would suffice the purpose. Accordingly, the petitioners are directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on their doing so the petitioners shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 5, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No