

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

CRM-M-12379 of 2020.

Decided on:- October 05, 2020.

Karambir.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Jai Vir Yadav, Advocate for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Jai Singh Yadav, Advocate for the complainant.

HARI PAL VERMA, J. (Oral)

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.231 dated 06.08.2019 under Sections 420, 467, 468, 471 and 120-B IPC registered at Police Station Kosli, District Rewari.

On 15.05.2020, while issuing notice of motion, this Court had passed the following order:

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Learned counsel for the petitioner states that it is on the statement of one Om Parkash, the co-accused, the petitioner has been named in the case. Moreover, the petitioner is an Advocate by profession and has only drafted the sale deed. He has never identified Hukma, the vendor, and Om Parkash and Sunita, the vendees.

Notice of motion for 30.07.2020.

Meanwhile, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Thereafter, on July 30, 2020, learned State counsel had submitted that though the petitioner has joined the investigation, but he is not cooperating in the matter. Accordingly, the petitioner was directed to appear before the investigating officer in the office of Deputy Superintendent of Police, Kosli on 04.08.2020 and the case was adjourned to 27.08.2020.

On August 27, 2020, learned State counsel submitted that though the petitioner has joined the investigation, but he is still not cooperating in the investigation. Accordingly, the petitioner was once again directed to join the investigation and the case was adjourned to 17.09.2020.

Vide order dated 17.09.2020, the petitioner was directed to appear before the Superintendent of Police, Rewari in the presence of investigating officer on 21.09.2020 at 11.00 A.M. and the case was adjourned for today.

Learned counsel for the petitioner has argued that pursuant to the aforesaid orders, the petitioner has joined the investigation and his custodial interrogation is not required.

However, learned State counsel, on instructions from ASI Lal Chand, has submitted that though the petitioner has joined the investigation, but he is not cooperating in the investigation.

Learned counsel for the complainant has argued that the petitioner had wrongly identified the person, who executed the sale deed in question.

I have heard learned counsel for the parties.

The photocopy of sale deed dated 11.03.2019 depicts that the petitioner is neither signatory as a witness nor he has identified Smt. Hukma and other persons, but as per the sale deed, he has only drafted the sale deed. In this manner, the petitioner, who is a lawyer by profession, has drafted the sale deed. Therefore, this Court finds that the custodial interrogation of the petitioner is not required in the case.

Accordingly, the present petition is allowed and the interim bail granted to the petitioner vide order dated 15.05.2020 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

The observations made hereinabove shall not be construed as an expression on the merits of the case and are strictly confined to the present petition filed by the petitioner seeking anticipatory bail.

October 05, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No