

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

CRM-M-21542-2020 (O&M)

Date of Decision:22.09.2020

Azad Singh Duhan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Aman Pal, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.303, dated 03.06.2020, under Sections 420/467/468/470/120-B IPC, registered at Police Station Sector-5, Panchkula.

While issuing notice of motion, the following order was passed by this Court on 04.08.2020:

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of anticipatory bail in FIR No.303 dated 03.06.2020 under Sections 420, 467, 468, 470 and 120-B IPC, registered at Police Station Sector 5, Panchkula.

FIR came to be registered on the complaint of Smt. Santosh Ahuja. Allegations in a nutshell are that a forged and

fabricated agreement to sell dated 24.03.2018 in respect of her residential house was set-up and in which the present petitioner is one of the attesting witness.

Counsel inter alia contend that the complainant even prior to the target date for execution of sale-deed under the alleged agreement to sell, has herself sold the house to a third party and who is in possession of the house. In any event the agreement to sell dated 24.03.2018 and which is stated to be forged and fabricated has never been acted upon. Counsel further informs the Court that son of the petitioner namely Sumit Duhan in whose favour the agreement had been entered into has already been arrested. The allegations hinge on documentary evidence which are already in possession of the Investigating Agency.

Notice of motion returnable for 22.09.2020.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from SI Jagdish Chander informs the Court that the the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above, petition is allowed.

Order dated 04.08.2020 passed by this Court is made absolute.

22.09.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |