

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-21817-2020 (O&M)****Date of Decision: 22.12.2020**

Wazir Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILLPresent: Mr. Akashdeep Singh, Advocate,
for the petitioner.Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by SI Jagmal Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.86 dated 13.03.2020 at Police Station I.M.T Rohtak, District Rohtak under Sections 120-B, 420, 467, 468 and 471 IPC, wherein it is alleged that the petitioner had entered into an agreement for sale of his land measuring 649.36 Sq.Yds. on 25.03.2014 for a sale consideration of Rs.64,93,600/- and that although the entire sale consideration was paid to the accused/petitioner in the presence of witnesses, but despite having received the entire sale consideration sale deed has not been executed and in fact later it transpired that the petitioner had got the sale deed in respect of the land in question executed in favour of his wife from the original owner

Kitabo Devi and others, who had earlier executed an agreement in favour of the petitioner.

2. At the time of issuance of notice of motion, the following order was passed on 06.08.2020:

“Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.86 dated 13.03.2020 registered under Sections 120-B, 420, 467, 468 and 471 IPC at Police Station IMT Rohtak District Rohtak.

Learned counsel for the petitioner inter alia contends that a false case has been foisted upon the petitioner. A civil suit too is pending between the parties with regard to the alleged agreement to sell dated 25.03.2014. As per the agreement to sell, entire consideration amount of Rs.64,93,600/- had been paid by the complainant to the petitioner in cash, hence, it could not be believed that the complainant would not have insisted upon the petitioner to execute the Registry of the same once the entire payment was paid to the seller.

Notice of motion for 20.08.2020.”

3. The learned counsel for the petitioner has submitted that a fabricated agreement is being relied upon by the complainant and that it is highly unbelievable that the entire sale consideration of about Rs.65 lakhs would have been paid by the complainant in cash. It has further been submitted that it is also unbelievable that despite having paid the entire sale consideration, the complainant would not have insisted upon registration of the sale deed immediately and chose to wait for about five years for filing the civil suit and lodging of the instant FIR.

4. The learned State counsel, upon instructions from SI Jagmal Singh, has informed that pursuant to interim directions dated 20.08.2020 issued by this Court the petitioner has since joined investigation and that his custodial interrogation is not required. It has, however, been informed that the petitioner happens to be involved in one more case of identical nature.
5. I have considered rival submissions addressed before this Court.
6. The facts of the instant case where the entire sale consideration is stated to have been paid in cash and the complainant did not insist for execution of the sale deed immediately when entire sale consideration was paid and waited for about five years for filing the civil suit would certainly raise some questions, which create some kind of doubt. In any case, since the petitioner is stated to have joined investigation and is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 20.08.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

22.12.2020

Vimal

(GURVINDER SINGH GILL)
JUDGE

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