

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

CRM-M-36622-2019 (O&M)

Date of decision-11.02.2020

Dhirender and another

...Petitioners

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajesh Lamba, Advocate for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.559 dated 07.05.2015 under Sections 419, 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860 registered at Police Station City Gurugram, District Gurugram. The petitioners apprehended their arrest at the hands of Police in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 23.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the applicants-petitioners contends that the FIR was lodged by Rajinder Sobti on the ground that the land measuring 32 kanals was purchased by him through sale deed dated 21.1.1992 and out of it some part of the same i.e. 31 Kanals 10 Marlas was sold through sale deed dated 13.10.2003. The remaining 08 Marla land sold by the complainant on 11.8.2014 to one Devender, who later on apprised the complainant that the said land already stood

sold through sale deed dated 06.11.2006 in favour of Om Parkash s/o Mahabir Parsad. Learned counsel contends that it is this instrument dated 06.11.2006 which was alleged to be sold by accused Rajinder Singh by impersonating as Rajinder Sobti. He further submits that the said accused is in custody. The petitioners were the witnesses to the said sale deed and were not beneficiaries of the same. He submits that the entire case of the prosecution is based on documentary material and therefore the custodial interrogation of the petitioners may not be required.

Notice of motion for 11.2.2020.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Rajender Kumar does not dispute this fact that the petitioners have joined the investigation and they are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 23.09.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

11.02.2020

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No