

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

**CRM-M-43319-2020
Date of decision: 22.12.2020**

Furkan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sanchit Punia, Advocate
for the petitioner.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 42 dated 10.09.2020, registered under Sections 406, 420, 506 and 120-B of the IPC at Police Station Sector 17, HUDA Jagadhri Yamunanagar, District Yamuna Nagar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Kamal Kumar @ Kamaljeet against four persons, namely Gaurav, petitioner Furkan, Jasbir and one unknown person, it is stated that he has sold a second hand truck on finance basis to co-accused Gaurav, who has agreed to purchase the same for a sum of Rs. 7,50,000/- and an agreement dated 19.07.2019 was reduced in writing in this regard.

Learned counsel for the petitioner further submits that it is further stated in FIR that said purchaser has owned the responsibility for payment of said amount in installments and he has given Rs. 1,20,000/- in cash along with three cheques for remaining amount and even the

possession of the truck was handed over to said Gaurav.

Learned counsel further submits that the only allegation against the petitioner is that he is a witness to said agreement dated 19.07.2019, however, the petitioner is neither a beneficiary nor he has identified any wrong person.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, who is also appearing through video conferencing, accept notice on behalf of the respondent-State and submits that petitioner is involved in one more case.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the allegations against the petitioner and also in view of the fact that the said agreement was with co-accused Gaurav, who has made part payment in cash and balance payment by way of three cheques, though the same were dishonoured subsequently as well as in view of the fact that petitioner is only a witness to said agreement, the present petition is allowed and the petitioner is granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

22.12.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No