

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37754-2019

Date of Decision: 19.02.2020

Rajesh Yadav

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.S. Deol, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Manish Soni, Advocate
for the complainant.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.310 dated 06.08.2019 under Sections 306, 420 and 34 IPC, 1860, registered at Police Station Khirki Daula, District Gurugram. He apprehended his arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 06.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned Senior counsel for the petitioner contends that the complainant has alleged that the victim had invested amount by purchasing of land, which did not yield the desired profits and therefore he used to remain upset, which led him to commit the suicide. It is pointed out that the petitioner-Rajesh Yadav was a Mediator in the said land transactions, when the agreement to sell was

executed by the vendors. According to him, he is not the beneficiary of the transaction. He submits that pursuant to the said agreement to sell, the land was transferred by way of sale deed in favour of wife of the victim. He further contends that the transaction took place in the year 2012 and the alleged act of suicide took place on 06.08.2019, and therefore in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 21.01.2020.

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

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself 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 counsel for the complainant has opposed the prayer on the ground that the petitioner has obtained the interim protection by misleading the Court by not giving the correct facts. He submits that in the FIR, it was mentioned that a sum of Rs.1 crore was paid to the petitioner by victim Meer Singh for purchase of the land and the agreement to sell and other transactions highlighted by the counsel for the petitioner were different and prior to the payment of the above amount mentioned in the

that no written agreement was executed when amount of Rs.1 crore was advanced by victim to the petitioner. He has explained that as there were various transactions between the two and they were well known to each other, therefore, no formal agreement was executed. It is also not disputed by learned counsel for the complainant that the petitioner is not the beneficiary and was only a Mediator between the vendor and the buyer (Meer Singh). He has further produced the suicide note allegedly written by the victim and a perusal of the same reveals that the petitioner is not the only one, who has been blamed in the said suicide note, as other names were also mentioned by him.

At this stage, learned counsel for the petitioner contends that the case of the prosecution is founded on documentary material and the petitioner has already joined the investigation, therefore, his custodial interrogation may not be necessary.

Learned State counsel on instructions from ASI Kailash has stated that indeed the petitioner has joined the investigation and is not required for custodial interrogation.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 06.09.2019 is made absolute.

19.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No