

CRM-M-45147-2019(O&M)

Date of decision: 26.02.2020

NARAIN SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K. Garg, Sr. Advocate with
Mr. Naveen Gupta, Advocate
for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

VIVEK PURI, J. (ORAL)

On 23.10.2019 following order was passed:-

“Learned counsel for the petitioner submits that mention of proceedings pending in Court against the land in dispute was made in the sale deed at the time of sale in favour of the complainant. That copy of sale deed in favour of petitioner was supplied to the complainant. Even otherwise, nobody purchases the property without taking copy of the title deed in favour of his vendor. This plea of the complainant that he was not aware of the pendency of litigation etc., has no basis. The allegations against the petitioner are of cheating the complainant and all his averments are based on documentary evidence, for which custodial interrogation of petitioner is not required.

Notice of motion for 05.02.2020.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the

terms and conditions as envisaged under Section 438(2) (I) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him”.

It has been stated by the learned State counsel that the petitioner has joined the investigation in pursuance of the interim direction issued by the Court, nothing is to be recovered from him and the case is mostly based upon documentary evidence, and is of civil nature.

Learned State counsel has not disputed the factual aspects but has disputed the fact that the controversy is civil in nature.

It becomes debatable as to whether the controversy is civil in nature or not. Without dilating further on the merits of the case, suffice is to say that the petitioner has joined the investigation, nothing is to be recovered from him and his custodial interrogation is not required.

Keeping in view the facts and circumstances of the case and the fact that the petitioner has joined investigation, the order dated 23.10.2019, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

26.02.2020
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(VIVEK PURI)
JUDGE

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