

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1917-2021 (O&M)
Date of Decision:-4.8.2021

Charanjit Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Saroha, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by ASI Surender Singh.

Mr. Vinod Bhardwaj, Advocate for the complainant.

(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.451 dated 27.12.2020 at Police Station Saran, District Faridabad, Haryana under Sections 447, 448, 457, 380 and 34 of Indian Penal Code.
2. At the time of issuance of notice of motion on 14.1.2021, the following order was passed :

“Learned counsel for the petitioner submits that the dispute in the instant case is in respect of possession of ground floor of House No.719/720, New Janta Colony, Faridabad, which the petitioner

had purchased from the complainant alongwith its first floor. It has been submitted that while possession of the first floor was delivered to the petitioner, possession of the ground floor was not delivered despite the petitioner having made several requests. It has been submitted that since it was a case of creation of rights by way of power of attorney as the complainant himself is a power of attorney holder, the complainant upon being pressed upon by the petitioner for handing over possession cancelled the power of attorney and further in order to pressurize the petitioner lodged the instant FIR.

Notice of motion for 26.4.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.”

3. Learned State counsel has submitted that although the petitioner, pursuant to interim directions has joined the investigation, but he is not fully cooperating inasmuch as he has not got recovered the tyres, which are alleged to have been stolen. Learned State counsel has, however, informed that the petitioner is not wanted in any other case.
4. Learned counsel for the complainant has also submitted that it is a case where as many as 200 tyres belonging to the complainant were stolen by the petitioner and that since not a single tyre has been got recovered, the petitioner does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the nature of allegations and while noticing that the petitioner has since joined investigation and is not even stated to be wanted in any other case, in my opinion, it is not a case warranting custodial interrogation. Although it has been submitted that the petitioner has not got the tyres recovered, but in such a case where the petitioner is disputing the allegations, the fact that the tyres have not been got recovered at his instance cannot be used against him for the purpose of declining his bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 14.1.2021 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.

4.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No