

CRM-M-2762-2021

Date of Decision: 13.10.2021

ASHOK KUMAR

...Petitioner

Versus

STATE OF HARYANA

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Rakesh Nehra, Sr. Advocate with
Mr. Reetash Kumar, Advocate for the petitioner.

Mr. Gurbir Dhillon, AAG, Haryana.

Mr. Anil Kumar Sharma, Advocate for the complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.311 dated 18.12.2020, registered under Sections 420, 506, 120-B, 34 IPC at Police Station Sadar, Bahadurgarh, District Jhajjar.

3. On 16.02.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 of Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.311 dated 18.12.2020, registered under Sections 420, 506, 120-B, 34 of IPC, 1860, at Police Station Sadar Bahadurgarh, Distinct Jhajjar.

Learned counsel contends that as per the allegations in the FIR the complainant had given money to the vendor for agreement to sell but the seller i.e. the petitioner herein was not getting the

partition of the land done, as per the agreement nor was executing the sale deed of the remaining land but the same was only on account of misunderstanding and the petitioners as well as the complainant have amicably resolved the dispute.

Learned DAG, Haryana, states that in view of the dispute between the parties being primarily of a civil nature and a compromise having been entered into between the parties, he has no objection to the prayer of the petitioner for grant of pre-arrest bail. However, the petitioner be directed to join investigation and cooperate in the same.

Likewise, learned counsel for the complainant also states that he has no objection to the prayer for grant of pre-arrest bail to the petitioner in view of the matter having been amicably settled between the parties.

Adjourned to 17.03.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail subject to his furnishing bail bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *SI Vijay Pal* confirms that pursuant to the order of this Court dated 16.02.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 16.02.2021, passed by this Court, is made absolute. The petitioner

shall abide with the conditions enumerated in Section 438(2) Cr.P.C.

However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

13.10.2021
Rajesh-renu

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>