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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8477-2020
Date of decision-29.11.2021

AKBAR KHAN AND OTHERS

...Petitioners

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. S. S. Nain, Advocate
for the complainant.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0037 dated 10.02.2020, under Sections 406, 420 & 120-B Indian Penal Code, 1860, registered at Police Station Pinjore, District Panchkula. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

There is no representation on behalf of the petitioners.

This Court while issuing notice of motion to the respondent-State on 27.02.2020 had extended the interim protection to the petitioners.

The said order reads as under:-

“Learned counsel for the petitioners contends that the allegations in the FIR pertain to agreement dated 3.11.2018, executed between petitioner No.1 and three complainants, namely, Satish Jindal, and his sons Arvind Jindal and Vipun Jindal. It is pointed out that in the agreement to sell, it was mentioned that the property is already under charge and therefore, there was no concealment on the part of the vendor. It is further contended that it were the vendees who were not willing to perform their part of contract. According to him, the dispute is purely of civil nature and therefore, the custodial interrogation of the petitioners in the given facts may not be necessary.

Notice of motion for 15.7.2020.

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

Learned State counsel, who is assisted by SI Nasib Singh has opposed the prayer on the ground that the petitioners have not cooperated during the investigation. However, it is not disputed that the prosecution of the petitioners relates to the alleged agreement to sell dated 03.11.2018.

After hearing the learned counsel for the parties, this Court is of the opinion that the alleged agreement to sell was executed long back in the year 2018, whereas, the FIR has been lodged after a long delay and apparently the dispute, if any, between the parties is founded on documentary material. Therefore, this Court does not find it to be a fit case for custodial interrogation of the petitioners. The stand of the learned State counsel that the petitioners have not cooperated during investigation is not substantiated with any details.

Resultantly, the petition is allowed and the interim bail granted

by this Court vide order dated 27.02.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

29.11.2021

<i>Vipin kumar</i>	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No