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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8406-2020 (O&M)

Date of decision-13.08.2021

PREM CHAND

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

CRM-9466-2020

This is an application for placing on record copy of registered sale deed No. 2152 dated 05.09.2016 (Annexure P-6).

Application is allowed. The same is taken on record.

CRM-M-8406-2020

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0028 dated 03.02.2019 under Sections 120-B, 419 & 420 Indian Penal Code, 1860, registered at Police Station City Mandi Dabwali, District Sirsa. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 26.02.2020, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that the petitioner is a bonafide purchaser of the property through sale deed No.2152 dated 05.09.2016 allegedly executed by the owner, namely, Amrit Pal Singh through his General Power of Attorney Jagga Singh. It is pointed out that the property was sold by way of impersonation and a complaint was made by the petitioner in that regard on 30.04.2019 (Annexure P-2). He further submits that a civil suit in respect of the transaction is already pending before the civil court filed by complainant against him and the case of the prosecution hinges on the documentary material, therefore, his custodial interrogation may not be necessary, particularly when the petitioner himself is a victim of this crime.

Notice of motion for 22.05.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of 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 State counsel who is assisted by SI Suresh Kumar does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim

bail granted by this Court vide order dated 26.02.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

13.08.2021

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