

218

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No. 14608 of 2021
Date of Decision: 10.09.2021

Anil Khatana

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

Mr. Gautam Dutt, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.158 dated 05.04.2018 registered under Sections 419, 420, 406, 467, 468, 471, 506, 120-B IPC at Police Station Badshahpur, District Gurugram.

Notice of motion was issued on 09.04.2021 by passing the following order:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner submits

that in view of status report filed by way of affidavit of Dharamvir Singh, HPS, Assistant Commissioner of Police, Crime-II, Gurugram, the complaint was submitted by one Ajay Singh Chauhan to the effect that he had entered into an agreement to purchase the land from accused namely Bahadur, Rakesh Kumar and Suresh in August, 2016. It was a misrepresentation before him that Bahadur Singh was owner in possession of land in question which was agreed to be purchased by the complainant. An amount of Rs.3 crores was given to the accused by way of cheque, but they did not honour the promise and did not execute the sale deed. It was revealed that accused Bahadur was not having clear title qua the property and he refunded the amount in question by way of cheque including compensation which on presentation was dishonoured by the Bank. The accused did not return the money. Petitioner was an attesting witness on behalf of the complainant. As per pleadings in para no.3 of the petition, petitioner being employee of M/s Trim India signed the agreement on behalf of the complainant on instructions of his Director namely Rakesh Sood as second witness as the cited witness Narain whose name was printed in the agreement did not turn up. Bahadur Singh was arrested. In the disclosure statement of Bahadur Singh, name of the petitioner came to fore to the extent of

conniving with other accused.

Notice of motion for 22.04.2021.

At this stage, Mr. Bhupender Singh, D.A.G., Haryana accepts notice on behalf of State of Haryana and Mr. Gautam Dutt, Advocate accepts notice on behalf of the complainant.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 13.04.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.

The State would be at liberty to bring on record material to show the extent of connivance with reference to particular events completed by the petitioner at the instance of accused party as well as on behalf of the complainant.”

Thereafter, vide order dated 22.04.2021, petitioner was again directed to join the investigation by way of rendering full cooperation to the Investigating Officer.

Today, learned State counsel on instructions from SI Narender Singh submits that the petitioner has joined the investigation and he is not required for any further investigation in the case.

In view of above, order dated 09.04.2021 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

September 10, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No