

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

**209**

**CRM-M-26437-2020**

Date of decision : 15.11.2021.

Gian Chand @ Gyan Chand

... Petitioner

Versus

State of Haryana

.. Respondent

**CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. R.S. Longia, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Karunesh Kaushal, Advocate for the complainant.

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**Anupinder Singh Grewal, J. (Oral)**

The petitioner is seeking anticipatory bail in FIR No.344 dated 03.08.2020, under Sections 420, 406, 419, 120-B of the Indian Penal Code, registered at Police Station Rania, District Sirsa.

A Coordinate Bench of this Court on 07.09.2020 had passed the following order:-

**“CRM-22026-2020**

Exemption prayed for is granted.

Application stands disposed of.

**CRM-22027-2020**

Exemption prayed for is granted.

Application stands disposed of.

**CRM-M-26437-2020**

*Inter alia* submits that the petitioner has no criminal liability in the transaction as he is only an agent. He brought the buyer and seller together and thereafter, the seller-complainant was communicating directly with the buyer as is evident from

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whatsapp chats annexed as Annexure P-2 and P-7. These chats pertained to the period of transaction and to later period upto July-August, 2020. The petitioner has been implicated only to pressurize him. In fact, he himself has been cheated by the buyer. Notice of motion.

Mr. Munish Sharma, AAG, Haryana, accepts notice on behalf of the respondent-State and waives service.

Mr. Karunesh Kaushal, Advocate, puts in appearance on behalf of the complainant and submits that the buyer has vanished from the scene and is not traceable. A sum of Rs.35 lacs (approximately) is involved. Neither the party nor the goods are traceable. The buyer has duped other persons in Rajasthan as well and thus, it is evident that he had criminal intentions right from the beginning.

Learned counsel for the complainant has however, not denied that the petitioner is an agent and was known to the complainant. Thus, it is more than likely that the petitioner was acting in good faith. Sending him behind bars will not help the complainant in recovering his money. In fact, his cooperation during the course of investigation will further the cause of finding the buyer.

Adjourned to 18.11.2020

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 18.9.2020 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, upon instructions from SI Banwari Lal, states that although the petitioner has joined investigation but he is not informing about the whereabouts of other accused.

In view of the above and the petitioner having joined investigation, the Covid-19 Pandemic, the order dated 07.09.2020 granting interim bail to the

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petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**November 15, 2021**  
sonia gugnani

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |