

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

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CRM-M-32913-2021

Date of decision : 10.11.2021.

Akhtar Hussain

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Jai Bhagwan Sharma, Advocate for the complainant.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 0323 dated 24.04.2021, under Sections 406, 420, 506 and 120-B of the Indian Penal Code, 1860, registered at Police Station Sector 7, Faridabad, District Faridabad.

Learned counsel for the petitioner contends that there is a delay of five years in lodging the FIR. It is alleged that the agreement to sell was entered between the petitioner and the complainant on 04.01.2016 and the sale deed could not be executed, as there was a charge on the house. He, however, contends that on 29.09.2014, a similar agreement to sell between the petitioner and the complainant for the same house had also been entered and, therefore, the complainant would be aware of the charge on the house while entering into the agreement to sell on 04.01.2016. A civil suit has also been preferred by the complainant for specific performance of the agreement to sell dated 04.01.2016 along with consequential relief of permanent and mandatory injunction.

This Court, by order dated 15.09.2021 had directed the petitioner to appear before the Investigating Officer and join investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned counsel for the complainant states that in view of the serious allegations against the petitioner, he is not entitled to the concession of anticipatory bail.

Learned State counsel, upon instructions from ASI Pritam Singh, states that although the petitioner has joined investigation but he is not cooperating.

In view of the above and the petitioner having joined investigation, the Covid-19 Pandemic, the order dated 15.09.2021 granting interim bail to the 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 10, 2021
sonia gugnani

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