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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.53849 of 2019
Date of Decision: 30.09.2021

HARINDER SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arun Gupta, Advocate for
Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.428 dated 17.04.2019 registered under Sections 406, 420 IPC at P.S. Sadar Karnal.

Notice of motion was issued on 17.12.2019 and interim anticipatory bail was also granted.

The controversy as noticed in the aforesaid order is originated from an issue of taking money by the petitioner from the complainant-Sewa Singh by selling a car. Petitioner is alleged to be a broker. The documents of the car were not found in order and the car was never supplied to the complainant. The

allegations are in the context of retaining the money that the same was neither returned to the complainant, nor was the possession of car given.

Learned counsel for the petitioner relied upon an affidavit given by the Mukesh Kumar Goyal i.e. original owner of the car, wherein it has been recorded that the car had been sold by him to one Raj Kumar Sanduja, who in turn sold the same to the complainant through the petitioner as broker. The vehicle was not found to be suitable by the complainant and same was returned to Mukesh Kumar Goyal i.e. the original owner of the car by the petitioner through Raj Kumar Sanduja on the same price. The amount was returned to the complainant through the petitioner. Learned counsel further submitted that there is no transaction between the complainant and petitioner.

Vide order dated 17.08.2021, petitioner was directed to join investigation before the Illaqa Magistrate/Duty Magistrate owing to the plea of learned State counsel that the petitioner has not co-operated during course of investigation.

In compliance of order dated 17.08.2021, Addl. Chief Judicial Magistrate, Karnal has submitted a status report to the effect that the petitioner has joined the investigation in his presence.

There is no plea taken by the Investigating Officer

before the Addl. Chief Judicial Magistrate, Karnal that the petitioner has not co-operated in the investigation.

Even otherwise, keeping in view the allegations on record, the interim orders dated 17.12.2019 and 17.08.2021 are made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

September 30, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No