

204

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

CRM-M-55552-2019

Date of decision-15.09.2021

VISHU GOEL**...Petitioner****Vs.****STATE OF HARYANA****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Gurinder Pal Singh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.787 dated 02.08.2019, under Sections 406, 420 Indian Penal Code, 1860 (mentioned as Sections 406, 420, 120-B Indian Penal Code, 1860 in the order of Ld. ASJ Kurukshetra), registered at Police Station City Thanesar, District Kurukshetra, Haryana. 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 26.12.2019, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

CRM-40930-2019

Application is allowed, subject to all just exceptions.

CRM-M-55552-2019

Learned counsel for the petitioner contends

that the alleged transaction took place in the year 2012 and the FIR was got registered only on 02.08.2019. He submits that the dispute otherwise is purely of civil nature and in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 07.05.2020.

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.

At this stage, Mr. Nimanyu Gautam, Advocate has appeared and filed memorandum of appearance on behalf of the complainant. The same is taken on record.

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 Harbans Lal has opposed the prayer on the ground that the petitioner has not cooperated during the investigation, therefore, his custodial interrogation is necessary. However, it is not disputed that the prosecution of the petitioner relates to the alleged agreement to sell dated 10.09.2012.

After hearing the learned counsel for the parties, this Court is of the opinion that the alleged agreement to sell was executed long back in the year 2012, whereas, the FIR has been lodged after a long delay and apparently the dispute, if any, between the parties is founded on

documentary material. Therefore, this Court does not find it to be a fit case for custodial interrogation of the petitioner. The stand of the learned State counsel that the petitioner has not cooperated during investigation is not substantiated with any details.

Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 26.12.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

15.09.2021

Vipin kumar

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