

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-55719-2019 (O&M)
Date of Decision:- 14.12.2021

Manphool Singh

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Balwan.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 429, dated 17.12.2019, Police Station Sadar Narwana, District Jind, under Sections 420, 467, 468, 471, 120-B IPC.
2. At the time of issuance of interim directions the following order was passed on 26.2.2020:

“ XXX XXX XXX

Learned counsel for the petitioner has submitted that the petitioner was witness to the agreement to sell dated 22.02.2019 which was executed by Meena with the complainant, Kulbir son of Dhoop Singh. As per this agreement, the sale deed was to be executed on 21.04.2019.

When the sale deed was not executed on the aforesaid date, Meena executed a fresh sale deed on 23.04.2019 with one Raj Kumar for the same piece of land. The petitioner was a witness to the fresh sale deed. His submission is that he is not a party to any forgery or fraud alleged to have been committed by Meena. He further submitted that the petitioner had received a sum of ₹20,000/- as commission, which he is prepared to refund.

Learned State counsel upon instructions from SI Sarbjeet has submitted that out of total consideration of ₹2,70,000/- allegedly paid by the complainant to Meena, except ₹50,000/- and remaining amount is still with the petitioner which includes cash and cheque of ₹50,000/-.

List on 03.04.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that although the petitioner was a witness to the 1st agreement dated 22.2.2019, as per which the sale deed was to be executed by 21.4.2019 and is also witness to the sale deed dated 23.4.2019 executed in favour of another person in respect of same piece of land, but he cannot be held liable in any manner inasmuch as the sale deed dated 23.4.2019 was executed after the time stipulated in the earlier agreement with Kulbir Singh for execution of sale-deed had already elapsed.

4. The learned State counsel, upon instructions from ASI Balwan, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and his custodial interrogation is not required and is not even wanted in any other case.
4. I have considered the aforesaid submissions.
5. In view of the aforestated position, the petition is accepted and the interim directions issued by this Court vide order dated 26.2.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.12.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No