

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

CRM-M-4348-2021

Date of decision-25.01.2022

Jai Karan and another

...Petitioners

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ketan Antil, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.
Mr. Nitin Rathee, Advocate for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.473 dated 14.10.2020 under Sections 420, 467, 468, 471 and 120-B Indian Penal Code, 1860 registered at Police Station Kharkhoda, District Sonapat, who apprehends their arrest at the hands of Police.

Learned counsel for the petitioners has argued that as per prosecution, complainant was cheated by entering into an agreement to sell dated 23.06.2014, whereupon the petitioners had agreed to sell him a piece of land which actually belongs to Municipal Committee, Kharkhoda. He submits that FIR has been lodged after a long delay of six years and admittedly no title was passed on to the complainant. He submits that the petitioners have been falsely implicated, who have already joined the investigation pursuant to the order dated 31.03.2021 and as the case of the prosecution is based upon documentary material, therefore, their custodial interrogation may not be necessary.

The prayer is opposed by learned State counsel assisted by SI

Mahabir as well as by learned counsel for the complainant on the ground that in fact the petitioners had received a sum of approximately Rs.33 lakhs from the complainant and out of it, Rs.5 lakhs have been returned. Mr. Rathee, learned counsel for the complainant has pointed out that though the cheque of Rs.27 lakhs was issued by petitioner in favour of the complainant, but the same got dishonoured, however, a separate suit for recovery has already been filed against the petitioners, which is pending.

Learned State counsel on instructions has stated that indeed the petitioners have joined, but as the recovery of amount is to be effected, therefore, their custodial interrogation is necessary.

After hearing learned counsel for the parties, and considering the above background, this Court is of the opinion that admittedly the title of the property was never passed on to the complainant, who claims to have raised construction in the year 2020, which was objected to by the actual owner i.e. Municipal Committee, Kharkhoda. The entire case of the prosecution is based upon the execution of agreement to sell and since the petitioners have already joined the investigation, this Court is of the opinion that their custodial interrogation may not be necessary.

Resultantly, petition is allowed and the interim bail granted by this Court vide order dated 31.03.2021 is made absolute.

25.01.2022

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No