

In the High Court of Punjab and Haryana at Chandigarh

203

CRM-M-9556-2020 (O & M)
Date of Decision: January 10, 2022

GAVENDER PATHAK

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. B.S. Tewatia, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. G.C. Shahpuri, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.484 dated 09.05.2018, under Sections 406, 420, 506 and 120-B IPC of the Indian Penal Code ('IPC' - for short), registered at Police Station Central Faridabad, District Faridabad.

Learned counsel for the petitioner contends that it is alleged that the agreement to sell was entered between the complainant and co-accused Amar Chand but the sale deed was not executed. The complainant has not filed any civil suit. Co-accused Amar Chand, who is the beneficiary of the sale deed, has been granted anticipatory bail by the Coordinate Bench of this Court in CRM-M-23673-2019 on 25.09.2019. The petitioner is alleged to be a mediator. He is not involved in any other criminal case.

A coordinate Bench of this Court, by the order dated 16.03.2020, had directed the petitioner to appear before the Investigating Officer and join

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

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

In view of the above, especially when the co-accused has been granted the anticipatory bail and the petitioner having joined investigation, the order dated 16.03.2020 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

January 10, 2022
A.Kaundal

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