

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-14487-2022

Date of decision: - 25.05.2022

Vishwjeet Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.56 dated 31.01.2022, under Sections 120-B, 406, 420, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Thanesar City, District Kurukshetra.

On 06.04.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner, inter alia, contends that the petitioner was owner of 21 kanals of land in Khewat No.30, out of which he had sold 20 kanals, 8 marlas and 1 sarasi, which was within his share and since there was no partition of the said land, thus, the allegation against the petitioner, of having sold the specific land of the complainant, is misconceived. It is further submitted that till the time

the partition of the land does not take place, all the owners of the land are co-shares, thus, the question of the complainant being entitled to a specific khasra number is against the settled law. It is further submitted that the petitioner has already filed a civil suit with respect to the same. It is also submitted that even a sale by the petitioner of a specific khasra number of the unpartitioned land, would be deemed to be a sale of his share from the entire land.

Notice of motion for 25.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

**(VIKAS BAHL)
JUDGE”**

06.04.2022

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from the investigating officer, has submitted that the petitioner has joined the investigation on 22.04.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 06.04.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 06.04.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would

proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

Pending application(s), if any, shall stand disposed of in view of the above-said order passed.

May 25, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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