

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-27649-2022

Date of decision : 16.11.2022

Vishnu L. Sadhu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Rajender Kumar, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.S.N. Pillania, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.219 dated 26.04.2022, registered under Sections 406, 420, 465, 120-B I.P.C. (Sections 467, 468, 471 of I.P.C. added later on) at Police Station Thanesar City, District Kurukshetra.

On 29.06.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the present dispute has civil trappings and the petitioner is a practicing advocate in Ahmedabad and is enrolled with the Bar Council, Gujarat and since then, he was known to the accused No. 1 Deepak Kumar, thus, on the asking of the said Deepak Kumar, the petitioner had come to Kurukshetra and the said Deepak Kumar had told the petitioner that he had engaged in good relations with the Adani Group and was authorised to sell the land of Adani Group at village Thana and he wanted the documents of the said land to be checked by the present petitioner and on the asking of the said

Deepak Kumar, the petitioner had visited Kurukshetra to check the documents and found that the Adani Group was the owner of the property in question and the said Deepak Kumar also showed an authorisation letter issued in favour of the said Deepak Kumar by the Adani Group. It is further submitted that the complainant himself also got verified the title from the Pehowa Tehsil and thereafter, had entered into an agreement to sell of which, the petitioner is neither a witness nor identifier or signatory or beneficiary. It is argued that the petitioner received Rs.80,000/- from Deepak Kumar as legal fee/remunerataion for his visit to Kurukshetra and that the petitioner had not spoken to the said Deepak Kumar since months and had talked to the complainant only once. It is further argued that the complainant after knowing the fact that the company is the owner of the property, did not choose to make the payment to the company but made the payment to Deepak Kumar as per the allegations in the FIR. It is contended that at any rate, no money has been paid by the complainant to the petitioner. It is further contended that the petitioner is not involved in any other case and the complainant has further executed the agreements in favour of third parties and had allegedly received Rs.1,30,00,000/- as earnest money. It is also argued that the co-accused of the petitioner namely, Sumit Kumar has already been granted interim protection by a coordinate Bench of this Court vide order dated 20.06.2022 passed in CRM-M-26985-2022.

Notice of motion for 10.08.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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.

It would be open to the State and learned counsel for the complainant to produce on record documents so as to show that the petitioner is not entitled to the concession of anticipatory bail.

To be heard alongwith CRM-M-26985-2022.

20.06.2022”

On 10.08.2022, a coordinate Bench of this Court was pleased

to pass the following order:-

“Learned counsel appearing on behalf of the respondent-State submits that the petitioner had not joined the investigation.

Learned counsel for the petitioner has pointed out that the petitioner had come for the purpose of investigation on 25.07.2022 and was in Kurukshetra till 27.07.2022. However, the investigating officer of the case, when contacted, informed that he has gone to Mumbai in reference to some investigation.

With the consent of the parties, case is now fixed for 02.09.2022 to enable the petitioner to appear before the Investigating Officer at 11:00 AM.

Adjourned to 20.10.2022.

Interim order to continue.

10th August, 2022

**[VINOD S.BHARDWAJ
JUDGE”**

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

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 29.06.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 29.06.2022 is made absolute.

Nothing stated above shall be construed as an 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 petition.

**(VIKAS BAHL)
JUDGE**

November 16, 2022

Davinder Kumar