

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

204

CRM-M-28935-2022 (O&M)

Date of Decision: 20.12.2022

Mukesh Gupta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Naveen Gupta, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Krishan Lal.

Mr. D.S.Bhinder, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.147 dated 12.06.2022 at Police Station Sector 9, Ambala City, District Ambala, under Sections 406/420 IPC.
2. At the time of issuance of notice of motion on 08.07.2022, this Court passed the following order:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.147, dated 12.6.2022, Police Station Sector-9, Ambala City, District Ambala, under Sections 406 and 420 of Indian Penal Code.

Learned counsel for the petitioner submits that it is a case where the complainant alleges that he had purchased a plot from the petitioner (as GPA) in the year 1993 and that when he started raising construction in the year 2010, some other plot owners raised dispute stating that they are owners of the plot in question. It has been submitted that though even as per FIR, the complainant

came to know about the alleged dispute in the year 2010 but he did not choose to lodge any FIR and it is after more than a decade that the instant FIR has been lodged. Learned counsel submitted that the matter is more in the nature of a civil dispute and a civil suit has already been instituted by the petitioner and that the petitioner is also willing to work out some amicable settlement in case the complainant puts forth some reasonable terms.

Notice of motion for 15.11.2022.

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

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, though the petitioner has joined investigation, but his custodial interrogation is required as the amount is yet to be recovered from him.
4. The petitioner is stated to have joined investigation. The contention of learned State counsel for declining the bail on the ground that the petitioner has not got the amount recovered, cannot be accepted inasmuch as the petitioner cannot be forced to get the said amount recovered, as the same would virtually amount to forcing a confession. In these circumstances, the petition is accepted and the interim directions issued by this Court vide order dated 08.07.2022 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.

20.12.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No