

210 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34016-2021
Date of decision-22.04.2022

Jagbir

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Rajesh Lamba, Advocate
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.160 dated 23.07.2021 under Sections 406, 420, 120-B of Indian Penal Code, 1860 registered at Police Station Dhauj, Faridabad (Haryana), who apprehends his arrest at the hands of Police.

On 20.09.2021, this Court had passed the following order:-

“Learned counsel for the petitioner has argued that admittedly the land in question is owned by the petitioner-Jagbir and the allegations in the FIR No.160 dated 23.07.2021 pertain to the agreement to sell executed by co-accused Shabbir, in favour of the complainant(s) relating to the land of the petitioner. He submits that in fact the petitioner is a victim of the alleged

transactions and prior to this case, FIR No.209 dated 07.12.2020 already stands registered (against Shabbir) at the instance of petitioner. He submits that the agreement to sell dated 15.03.2014 (Annexure P-1) between petitioner and Shabbir was never acted upon, therefore, the subsequent agreement to sell executed by Shabbir in favour of the complainant would be meaningless as the title never passed to them. According to him, the case is based upon the documentary material, therefore, his custodial interrogation may not be necessary.

The prayer is opposed by learned counsel for the complainant on the ground that the petitioner is equally involved in the crime as he alongwith Shabbir had received the amount from the complainant(s) through different agreements to sell executed between 2014 to 2019. Learned counsel for the complainant also argued that at the time of executing these agreements to sell the possession of the land was also handed over to the purchasers (complainants).

At this stage, learned counsel for the petitioner has pointed out that in all these instruments, the petitioner is neither a witness nor recipient of the amount and the deal was between the complainant and Shabbir.

Learned counsel for the petitioner has pointed out that subsequently one of the complainants namely Sikander Pandit also filed a complaint dated 29.09.2020 (Annexure P-8) against Shabbir wherein, there is no allegation against the petitioner.

Adjourned to 24.01.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C..”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Sandeep states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 20.09.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

22.04.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No