

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-34498 of 2021

Date of Decision : 28.02.2022

Sant Ram Sangwan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Premjit Singh Hundal, Senior Advocate with
Mr. Vikramjeet Singh, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 205 dated 27.07.2021, registered under Sections 120-B, 420, 467, 468 and 471 of IPC, 1860, at Police Station Sadar Bahadurgarh.

Learned senior counsel appearing on behalf of the petitioner submits that in terms of order passed by a Co-ordinate Bench of this Court dated 08.10.2021, the petitioner has joined investigation. Order dated 08.10.2021 is as under:-

“CRM-33804-2021

For the reasons given in the application, it is allowed.

Documents, Annexures P-17 to P-19 are taken on record.

Main Case

Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.205 dated 27.07.2021, registered under Sections 120-B, 420, 467, 468 and 471 of IPC, 1860, at Police Station Sadar Bahadurgarh, Annexure P-1.

FIR, Annexure P-1, has been registered on the basis of a

complaint by a partner of M/s Amrit Land Consolidation Company (complainant-Company) on the allegation that the petitioner in collusion with co-accused, Kuldeep, has played a fraud and on the basis of a forged sale deed, transferred valuable land of the complainant-Company in his favour.

Learned Senior counsel appearing for the petitioner submits that the land in question was purchased by the petitioner through a sale deed executed in November, 2018. While a sum of Rs.25 lac was transferred to the bank account of the complainant-Company, Rs.2 lac was paid in cash and the petitioner had been enjoying the possession of the land since then. A civil suit was filed by the complainant-company on 05.02.2020, Annexure P-2, for cancellation of the sale deed alleging that co-accused Kuldeep is not the authorized signatory of the Company and thereafter the present FIR, Annexure P-1, was registered on 27.07.2021. He submits that after the registration of the present FIR, the suit was withdrawn on 13.08.2021, Annexure P-14. By referring to an agreement dated 07.06.2019, Annexure P-12, learned Senior counsel urges that the Company has been entering into agreements with different persons through Ishwar Singh, its authorized signatory, who is none other than the father of co-accused Kuldeep as is apparent from the documents, Annexures P-15 and P-16. He contends that the dispute between the parties, if any, is purely civil in nature and has been deliberately given criminal overtones to pressurize the petitioner. He further submits that no recovery has to be effected from the petitioner and the petitioner is willing to join the investigation as and when required.

Petition has been opposed by Mr. Ramesh Kumar Ambavta, AAG, Haryana appearing for State of Haryana. He is assisted by Mr. Aditya Sanghi, counsel for the complainant, who have taken the Court through the observations of the learned Additional Sessions Judge, Annexure P-4 in support of his submission.

List on 21.01.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on 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 State counsel, on instructions from SI Satya Narayan states that in terms of the order of the co-ordinate bench of this Court reproduced before, petitioner has joined the investigation.

In view of the above, the order dated 08.10.2021 granting interim bail to the petitioner is made absolute.

However, 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.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 28, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No