

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37198-2021
Date of Decision:- 21.01.2022

ABHEY SINGH

... *Petitioner*

Versus

STATE OF HARYANA

... *Respondent*

CORAM: *HON'BLE MR. JUSTICE MANOJ BAJAJ*

Present: Mr. Himanshu Rao, Advocate,
for the petitioner.

Mr. Sukhdeep Singh Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.378 dated 23.07.2021 registered under Section 420 IPC, Police Station Model Town Rewari, District Rewari. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 08.09.2021 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that as per allegations, the petitioner failed to execute the sale deed in favour of the complainant (Saroj) who had paid a sum of Rs.2 lacs to the petitioner for purchase of a plot measuring 100 square yards. Learned counsel has drawn the attention of the Court to the said agreement dated 15.01.2019 and contended that the version in the FIR is at material variance from the agreement to sell, as not only the amount of the sale consideration is different, but the particulars of the attesting witnesses to the said instrument are also different. He submits that this clearly indicates that the petitioner has been falsely implicated, and the dispute, if any, is purely of civil nature.

Notice of motion for 21.01.2022.

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 further states that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by SI Mahipal Singh does not dispute this fact that 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 08.09.2021 is made absolute.

21.01.2022
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(MANOJ BAJAJ)
JUDGE

Whether speaking /reasoned	Yes
Whether Reportable	No