

252 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-38738-2020

Date of Decision: 02.03.2022

Kuldeep Kumar Yadav

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nipun Vashist, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Ram Kumar Saini, Advocate,
for the complainant.

(Through Video Conference)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.237, dated 19.03.2020, under Sections 406, 420, 467, 468, 471, 120-B and 34 of the IPC, registered at Police Station Gurgaon Sadar, District Gurugram, Haryana.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of the order dated 24.11.2020, passed by a co-ordinate Bench of this Court, which is as under:-

“Learned counsel for the petitioner has submitted that in the present case the petitioner has been falsely implicated. He has submitted that on the basis of complaint before the Magistrate the present FIR was registered on the directions of the learned Magistrate. He has further submitted that even otherwise also, allegations are against the company namely, M/s SKT Buildtech Private Limited and its directors. So far as

the petitioner is concerned the petitioner is neither a Director of the company nor an agent of the company but he is only a brother of one of the directors of the company. He has further submitted that although petitioner was a signatory to the agreement as a witness, that would not bind him as liable to the petitioner. He has further submitted that otherwise also, the complaint itself is not maintainable due to lack of territorial jurisdiction in view of the fact that the property is situated in Rajasthan and whereas the complaint has been entertained in Gurugram. He has further submitted that as per instructions, out of total amount of Rs. 4,51,584/-, the company has already returned him Rs.1,40,000/- and the complainant is deliberately not taking possession of the land despite repeated requests on the ground that proper amenities have not been supplied to him. Learned counsel on instructions has further submitted that there is no other litigation or complaint against the said company and it is only the complainant who created this false complaint and therefore, the petitioner has prayed for grant of anticipatory bail.

Notice of motion.

On asking of the Court, Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the State and states that the petitioner was a signatory to the agreement and has further submitted that he has no instructions with regard to the fact as to whether the company was involved with other allottees or not and prays for time to file status report/affidavit in this regard.

Let an affidavit/status report be filed before the next date of hearing with an advance copy to learned counsel for the petitioner.

Adjourned to 11.01.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/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. ”

Learned State counsel, on instructions from SI Balram, states that in terms of the order of the co-ordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 24.11.2020 granting interim bail to the petitioner is made absolute.

However, the 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 cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

02.03.2022

Apurva

(HARSIMRAN SINGH SETHI)

JUDGE

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| 1. Whether speaking/reasoned : | Yes |
| 2. Whether reportable : | No |