

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

201

CRM-M-44652-2021(O&M)
Date of Decision : **May 09, 2022**

DHARAMBIR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Deepak Girotra, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

Learned counsel for the petitioner has submitted that the petitioner was granted interim stay of arrest on 27.10.2021 and thereafter the petitioner has joined the investigation and he has fully co-operated with the investigation process and, therefore, he may be granted anticipatory bail. He submitted that even otherwise also the allegation against the petitioner is that he had forged some lease agreements with regard to some land which was infact false allegation because the petitioner was already in the possession of the land from the year 1991 and he had also been paying the bills with regard to the use of the aforesaid land. He further submitted that even a civil suit for permanent injunction is also pending between the parties and in the civil suit status quo has been granted and infact the entire subject matter of the present FIR is a civil dispute which has been given criminal flavour.

Mr. Naveen Singh Panwar, DAG, Haryana has stated that he has sought instructions from SI Vijay Pal that the petitioner has joined the investigation and he has handed over all the documents which were required by the IO and he is not required for custodial investigation.

Learned counsel for the complainant has submitted that the custodial investigation of the petitioner is required as the petitioner has committed a fraud because the rent agreement has been found to be forged agreement in the FSL and it was only on the basis of this forged document the petitioner had sought interim relief from the learned Civil Court. He further submitted that the bills were also forged.

I have heard the learned counsels for the parties.

The present petition is for the grant of anticipatory bail to the petitioner. The petitioner was granted interim stay of arrest by this Court. Today, the learned State counsel on instructions has stated that the petitioner has already joined the investigation and has handed over all the documents to the police which are required and he is not required for custodial investigation. The objection raised by the learned counsel for the complainant that the documents including the lease deed and the bills were forged cannot become a ground for denial of anticipatory bail to the petitioner and even otherwise also as per the learned counsel for the petitioner the matter is also pending before the Civil Court.

In view of the above, the present petition is allowed. It is directed that the petitioner shall continue to join the investigation as and when called by the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(JASGURPREET SINGH PURI)
JUDGE

May 09, 2022

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