

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

CRM-M-35949-2019 (O&M)

Date of decision: 20.01.2022

Mukesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Virender Soni, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Dushyant, Advocate
for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.721 dated 11.07.2019 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Jagadhri City, District Yamuna Nagar.

The operative part of the order dated 05.09.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner, at the very outset, submits that the petitioner is ready to return the sale consideration as well as expenses as per sale deed dated 15.10.2011 to the complainant/purchaser along with interest @ 6% in two installments.

Learned counsel for the petitioner further submits

that the petitioner will hand over the demand draft of Rs. 22.5 Lakh to the complainant/purchaser within a period of one month from today.

Notice of motion.

Mr. Kanwaljit Singh, Sr. Advocate appearing with Mr. Abhiman Aggarwal, Advocate, accepts notice on behalf of the complainant. Let a copy of the petition be supplied to him during the course of the day.

List again on 21.10.2019.”

Learned counsel for the petitioner submits that the amount of Rs. 22.5 Lakh, by way of demand draft favouring the complainant, has already been handed over to complainant and the remaining amount is disputed. It is further submitted that though the matter was referred to Mediation, however, nothing substantial could come on record.

Learned counsel for the petitioner further submits that the petitioner, in pursuance to the order dated 05.09.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

The fact that a sum of Rs. 22.5 Lakh has been handed over to complainant, by way of demand draft, is not disputed by learned counsel for the complainant.

Learned counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above and considering the fact that the petitioner is on interim bail since 05.09.2019 and since then, a period of more than two years has lapsed and there is no complaint that the petitioner has

misused the same, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 05.09.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

20.01.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No