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

CRM-M-51660-2021

Date of decision : 29.10.2022

Munender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. S.K. Biriwal, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.288 dated 03.09.2021 registered under Sections 406, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, 1860 at Police Station Faridabad Central, District Faridabad.

On 20.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel has argued that as per complainant, the petitioner has caused a wrongful loss by retaining the earnest money of Rs.6,90,000/-as well as another sum of Rs.7,95,700/- paid to him in installment over a period of 30 months pursuant to the agreement to sell dated 20.04.2017. According to him, the dispute is purely of

civil nature and the case of the prosecution is based upon documentary material, therefore, his custodial interrogation is not necessary.

The prayer is opposed by learned State counsel assisted by learned counsel for the complainant and according to them the land in question was never owned by the petitioner who has induced the complainant to part away with their money on the basis of sale deed dated 24.09.2017.

Adjourned to 06.09.2022.

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.

Sd/-(MANOJ BAJAJ)

20.04.2022

JUDGE ”

Thereafter on 06.09.2022, the following order was passed:-

“Learned State counsel submits that the petitioner has not joined the investigation. The petitioner is thus, directed to join the investigation on 22.09.2022 at 11:00 AM.

Adjourned to 13.10.2022.

Interim order to continue.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders dated 20.04.2022 and 06.09.2022, the petitioner has joined the investigation.

Learned counsel for the State has submitted that the petitioner has joined the investigation and is not required for any further custodial

interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 20.04.2022 and 06.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 20.04.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

29.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No