

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52160-2021(O&M)

Date of decision : 21.04.2022

Vijay Jangra

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.A.P.S.Deol, Senior Advocate with
Mr.Vishal Lamba, Advocate
for the petitioners.

Mr.Munish Sharma, AAG, Haryana.

Mr. Shiv Kumar, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

CRM-14093-2022

Allowed as prayed for.

Annexures R-2/1 to R-2/21 are taken on record subject to all
just exceptions.

CRM-14237-2022

Allowed as prayed for.

Annexures P-3, P-3/A, P-4, P-14 to P-18 are taken on record
subject to all just exceptions.

CRM-M-52160-2021

This is a first petition under Section 438 Cr.P.C. for grant of
anticipatory bail to the petitioner in FIR no.381 dated 08.11.2021 registered
under Sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Butana,
District Karnal.

On 18.01.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Case taken up through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 381 dated 08.11.2021, under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Butana, District Karnal.

Learned senior counsel appearing for the petitioner contends that the dispute is primarily between co-accused Amit and his wife with complainant Krishan Chand. It is alleged that co-accused Amit and his wife in discharge of their liability issued a ‘power of attorney’ in favour of Krishan Chand for transfer of land. It is also alleged that alienation of the land had been stayed by the Civil Court and documents were allegedly forged to facilitate the transfer. He, however, contends that objections were filed by Krishan Chand in his own hand and the petitioner, who is an advocate, has not signed any document to facilitate any such transfer. After the stay was vacated by the Civil Court, Krishan Chand had transferred the land in favour of his wife, who had later alienated it. The liability of co-accused Amit and his wife stood discharged. The petitioner is neither a signatory to any document nor beneficiary in any manner. He is only alleged to have helped the co-accused in facilitating the transfer of the land. He does not have any criminal antecedents.

Learned counsel for the complainant states that in view of the serious allegation against the petitioner, he is not entitled to the concession of anticipatory bail.

List on 16.03.2022.

In the meantime, petitioner is directed to appear before the Investigating Officer and join investigation.

In the event of his arrest, the Investigating Officer/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

(ANUPINDER SINGH GREWAL)
JUDGE

January 18, 2022”

Learned counsel for the petitioner has submitted that in

pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sandeep Kumar, has submitted that the petitioner has joined investigation and is not required for further investigation.

Learned counsel for the complainant has opposed the petition for anticipatory bail

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has submitted that he is an Advocate and he has not signed any documents to facilitate any transfer and after the stay was vacated, the land in question was transferred, of which the petitioner is not a beneficiary and also the fact that the petitioner is not a signatory to any document including the objection petition or the representation filed before the Tehsildar and no sale deed has been executed in favour of the petitioner with respect to the land in question and also the fact that the entire dispute is based on documents and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 18.01.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

April 21, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No