

207-A

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

CRM-M-6432-2021 (O&M)

Date of Decision: 11.09.2023

Sonu

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. S.S. Antal, Advocate
for the complainant.

...

MAHABIR SINGH SINDHU, J.

1. Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioners in FIR No.325 dated 24.12.2019, under Sections 406, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, 1860, registered at Police Station Uchana, District Jind, Haryana.

2. Above FIR was registered on the basis of statement made by complainant Jagdeep Singh with the allegations that co-accused Ved Parkash in connivance with the petitioner cheated him.

3. The Co-ordinate Bench, vide order dated 11.02.2021 granted interim bail to petitioners and the same reads as under:-

Learned counsel for the petitioner contends that the matter basically pertains to dishonouring of an agreement to sell allegedly executed by one Ved Parkash, who after having received an amount of `50 lakhs from the complainant did not execute the sale deed in favour of the complainant. It has been submitted that the only role attributed to the petitioner as per FIR is that he was conniving with the main

accused.

Learned counsel has further submitted that co-accused namely Reena and Inder Singh, who are identically situated, have already been granted interim bail by this Court and infact in a petition filed by accused for quashing of the FIR, proceedings before the Trial Court have been ordered to be stayed.

Notice of motion for 29.4.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

4. Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. Learned State Counsel, on instructions submits that petitioner has joined investigation, but his custodial interrogation is required.

6. Learned counsel for the complainant also vehemently opposed the prayer of petitioner on the premise that neither amount in question has been refunded; nor the sale deed is executed by the vendor-Ved Parkash.

7. Heard both the sides and perused the paper book.

8. Concededly, the amount in question has gone in the account of Ved Parkash, who happens to be the original owner of the land in question, which was agreed to be sold in favour of the complainant/respondent No.2. However, there is no allegation that any amount was handed over to the petitioner.

9. In view of above, custodial interrogation of the petitioner would not serve any purpose. As a result thereof, interim order dated 11.02.2021 is made absolute; subject to the conditions as envisaged under Section 438(2) Cr.P.C.

10.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
11.

The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
12.

Disposed off accordingly.
13.

Pending application(s), if any, shall also stand disposed off.

11.09.2023

(MAHABIR SINGH SINDHU)

JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No