

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:107103
CRM-M-11130-2023 (O&M)
Date of Decision: August 18, 2023

Gurvinder Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vinod Ghai, Sr. Advocate with
Ms. Aashna Gill, Ms. Manisha Bhandari,
Mr. Omkar Shrivastva and Mr. Ayush Jain, Advocates
for the petitioner.

Mr. Ranhdir Singh, Addl. A.G., Haryana.

Mr. J.S. Hooda, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

On 03.03.2023, the following order was passed by this
Court:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.314 dated 29.10.2021 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station DLF Phase 1, District Gurugram. Learned Senior counsel appearing on behalf of the petitioner inter alia contends that the petitioner is more than 80 years of age and admittedly, he sold his property to co-accused Surinder Kapoor and one Kiran Lata in 1987. Learned senior counsel further submits that actually Surinder Kapoor is the main culprit who got procured the sale deed dated 16.11.2017 from the petitioner on the pretext of getting his signatures on certain documents and there was no intention of the petitioner to deceive anyone. He further submits that immediately after the petitioner came to know about the alleged fraud committed by co-accused Surinder Kapoor, the petitioner approached the concerned SHO and gave information dated 9.9.2021 (Annexure P-10) to the police and he also filed civil suit Annexure P-8 seeking cancellation of the sale deed in question and only thereafter, present FIR is registered on the basis

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of complaint dated 26.8.2021 by daughter of Kiran Lata alleging fraud. He further submits that the entire case is based on documentary evidence and the concerned documents are with the investigating agency and the petitioner who is more than 80 years of age, is willing to join the investigation with the police.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the State and on instructions from SI Lovekesh submits that at the time of execution of sale deed in question dated 16.11.2017, the petitioner was not owner of the property in question as he had already sold the same to co-accused Surinder Kapoor and his sister Kiran Lata in 1987 and thereby the petitioner committed fraud. However, the State counsel prays for time to seek necessary instructions with regard to Annexures P-8 and P-10. However, he has not disputed the fact that the petitioner is aged about 80 years. Now he listed on 27.4.2023. In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.”

It is not disputed by learned State counsel that the petitioner has since joined the investigation. Learned State counsel also informs that efforts are being made to arrest other accused, namely, Surinder Kapoor and Usha Kapoor for whom look out notice has been issued. However, simply because the co-accused have not been arrested so far, cannot be a reason to decline the bail to the petitioner.

As such, the order dated 03.03.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

August 18, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No