

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-21944-2023

Date of Decision:15.11.2023

Zile Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J.(ORAL)

On 02.05.2023, following order was passed:

“The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.209, dated 28.03.2023, under Sections 419, 420, 447, 120-B and 34 of IPC, 1860, registered at Police Station Shivaji Colony, Rohtak, District Rohtak (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner stood only as a witness to three agreements to sell and no benefit whatsoever has been derived by him in execution of those agreements to sell. Apart from that, learned counsel for the petitioner has prayed for allowing the petition and relief of anticipatory bail, considering the health of the petitioner, who is a diabetic patient and practising as a lawyer, which is sole source of income apart from that fact, on merit he submits that according to the revenue record still the plot in question stands in the name of the complainant.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of respondent-State, who states that the petitioner has purposely got executed the agreement to sell as a witness connivance with the other accused persons stating that it is qua only one plot time and again three agreements have been entered into by the co-accused, wherein the petitioner is the witness to all the three agreements knowing fully well that properties changing hands

with each persons.

Be that as it may, it is apparent from the record available before this Court and having considering the submissions made by learned respective counsel for the parties, the petitioner does not seems to be a beneficiary in any manner whatsoever, who is actually the co-accused, though his signatures appear on three different agreements qua the same property, which is a matter of trial to be adjudicated upon to find out the true and correct facts.

In light of the above, petitioner is directed to be released on interim bail, in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 13.07.2023.”

Today learned State counsel, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 02.05.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail in case FIR No.209 dated 28.03.2023 registered under Sections 419, 420, 447, 120-B and 34 of IPC, 1860, registered at Police Station Shivaji Colony, Rohtak, District Rohtak (Annexure P-1).

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 15, 2023

Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**