

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-23496-2023
Date of decision: 28.07.2023

Yadwinder Singh Dhull

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Jagdish Manchanda, Addl. AG, Haryana.

Mr. Keshav P. Singh, Advocate for the complainant.

AMAN CHAUDHARY, J.

1. On 09.05.2023, this Court had passed the following order:-

“The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.127, dated 16.04.2023, under Sections 420, 467, 468 and 471 of the IPC, 1860, registered at Police Station Kalan Wali, District Sirsa, Haryana.

Learned counsel for the petitioner contends that the present petitioner, who is aged about 60 years was serving as manager in Sarav Haryana Gramin Bank, Sirsa. He further contends that the dispute pertains to an agreement to sell dated 07.04.2016, wherein his signatures stated to have been forged alongwith the signatures of witnesses as well. He also asserts that the allegations qua the petitioner pertains to the sale and purchase of one residential plot bearing No.184-AR-2 situated at Kalanwali, Sirsa.

It is on the strength of the aforesaid facts, the counsel for the petitioner states that at best, the case of complainant as well as the Investigating Agency is confined to recovery of original agreement to sell for the purpose of examining the disputed signatures, which is stated to be in his possession.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of respondent-State, who submits that the petitioner is involved in various other such like cases out of which, one is directly by his own niece, whose signatures are also alleged to have been forged by the petitioner, who was lodged in jail for almost one year, wherein he was granted regular bail vide order dated 23.08.2022 (Annexure P-10) passed in CRM-M-52696-2022.

Mr. Keshav Pratap Singh, Advocate has put in appearance on behalf of complainant and filed vakalatnama, which is taken on record.

Learned counsel for the complainant in addition to the said arguments of the State submits that the petitioner is claiming to have been made the payment of Rs.28,00,000/- to the complainant, which is denied as no money whatsoever transferred to him qua the said plot.

On a query put by the Court, learned counsel for the complainant submits that the possession of the plot in question is still with the complainant.

Be that as it may, once there is no transaction of money admittedly has taken place and even the possession of the plot is with the complainant, the question remains with regard to the fabrication of alleged agreement to sell on which signatures by the petitioner are denied alongwith the witnesses for which the instant FIR has been lodged alleging an offence under Sections 420, 467, 468 and 471 of IPC, this Court is of the considered view that no useful purpose would be served by sending the petitioner behind the bars, who is ready and willing to join the investigation at this stage and undertakes to cooperate with the Investigating Officer by furnishing the original agreement to sell forthwith without any delay.

In light of the above, the 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 28.07.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in

case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 09.05.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

28.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No