

206

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

CRM-M-31069-2021 (O&M)

Date of Decision: 29.08.2023

Mahesh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Partap Singh, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Bhriagu Dutt Sharma, 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 petitioner in FIR No.232 dated 18.07.2021, under Sections 420, 406, 120-B and 506 of the Indian Penal Code, 1860, registered at Police Station Sector-6, Bahadurgarh, District Jhajjar.

2. Above FIR was registered on the basis of statement made by complainant Urmilla with the allegations that petitioner has duped the complainant for amount of Rs.87 lacs (approximately) for purchase of land and the sale deed has not been executed so far.

3. The co-ordinate Bench, vide order dated 02.09.2021, granted interim bail to petitioner and the same reads as under:-

“Learned counsel contends that as per allegations, complainant had paid a sum of Rs.87 lacs as sale consideration for purchase of land owned by petitioner No.2 (Geeta) and since the instrument of sale deed has not been

executed so far, she has falsely implicated the petitioners and others in this FIR. He further submits that as per allegations apart from the sale consideration of 87 lacs, some more amount was paid by the complainant to accused for construction at the site and despite the possession of two shops handed over to the buyer, the other co-accused, namely, Mahesh and Sanjay had put their locks on the said property. According to him, the legal notice dated 31.07.2021, served on behalf of the vendor for execution of sale deed does not refer to the payment other than the sale consideration. According to him, the dispute between the parties is purely of civil nature and admittedly the amount of Rs.87 lacs has been received by the petitioners and vendor is willing to execute the sale deed. He submits that the case of the prosecution is based upon documentary material, therefore, custodial interrogation of the petitioners may not be necessary.

Notice of motion for 20.12.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

At this stage, Mr. B.D.Sharma, Advocate appears on behalf of the complainant.

A photocopy of this order be placed on the file(s) of connected case(s).”

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 from ASI Raj Kumar, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

6. In view of above, interim order dated 02.09.2021 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

8. 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.
9. Disposed off accordingly.

29.08.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No