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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM M - 36644-2023

Date of decision: 31.07.2023

*Kuldeep Singh alias Kuldeep Rana**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat****Present: Mr. Pratap Singh Gill, Advocate
for the petitioner**

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 239 dated 13.05.2023, registered under Sections 406, 420 and 120-B of the Indian Penal Code, at Police Station Sector 32-33, District Karnal (Annexure P1).

It is submitted by counsel for the petitioner that the dispute relates to an agreement to sell executed by one Virender Kumar in favour of the complainant. The petitioner is alleged to have only extended help to the said vendor in securing loan from two different banks. The petitioner is not even concerned with the said loan. Another allegation against the petitioner is that there is some agreement in favour of the petitioner qua part of the land; which was agreed to be sold to the complainant. However, the petitioner does not have even any agreement in his favour. Even if there is some agreement to sell created by some body in his favour, the petitioner is not claiming anything on the basis of the said agreement. Therefore, by any mean, the petitioner is not connected to the crime, if any, involved in the

present case. The petitioner has been sought to be involved in the present case only on the basis of the alleged disclosure statement of the co-accused. Nothing is to be recovered from the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General Haryana accepts the notice on behalf of the respondent - State. Mr. Sudhir Rana, Advocate accepts notice on behalf of the complainant.

Counsel for the State being assisted by counsel for the complainant and on instructions from ASI Vikram Singh has submitted that the name of the petitioner has surfaced during investigation as a person who helped Virender Kumar in availing the Bank loan qua the same property; which was agreed to be sold to the complainant. However, it is not even in dispute either by the complainant or by the State that the petitioner is not the signatory to any documents qua loan, agreement to sell or any other documents concerning the property in question.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

July 31, 2023

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