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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM M - 36901-2023
Date of decision: 31.07.2023

*Sagar**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Viriender Soni, 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 bail to the petitioner in case FIR No. 277 dated 22.06.2023, registered under Sections 406, 420, 506 and 180 of the Indian Penal Code, at Police Station Sadar Jind, District Jind (Annexure P1).

It is submitted by counsel for the petitioner that case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. The alleged agreement to sell, on the basis of which the present FIR has been registered, was executed by his father and at that time, the petitioner was a minor. Therefore, there could not have been any participation of the petitioner as such. Another allegation against the petitioner is that he had accompanied his maternal aunt when some money was collected by her from the house of the complainant. Even that money has not come to the petitioner. Not only that, even after the death of father of the

petitioner, the petitioner himself had offered to execute sale deed in favour of the complainant but the complainant had not come forwarded to get it executed. Therefore, there is no criminal aspect involved in this case. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General Punjab accepts the notice on behalf of the respondent - State.

Counsel for the State has submitted that the father of the petitioner had entered into an agreement to sell with the complainant. In the process, he had received a sum of Rs.19,50,000/- from the complainant. However, it is not disputed that the petitioner was minor on the date when the alleged agreement to sell was executed.

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