

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-49876-2022 (O&M)

Date of decision : 9.5.2023

Samsuddin

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present : Mr. B.S.Tewatia, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Ms. Neeru Bansal, Advocate,
for the complainant.

Mr. Anshul Khurana, Advocate
for Mr. Jaibir.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.409 dated 2.10.2022 registered under Sections 420, 406 IPC at Police Station Sadar Tauru, District Nuh.

2. The allegations in nutshell against the petitioner are that he sold the property in question to complainant-Sneh Lata vide registered sale deed dated 17.6.2009 for valuable consideration and thereafter, mortgaged the said property with one Jaibir vide mortgage deed dated 2.7.2015. Being aggrieved, the complainant lodged complaint against the petitioner and resultantly, FIR has been registered in the present case against the petitioner.

3. Counsel for the petitioner submits that in compliance of previous order, the petitioner has joined the investigation with the police and also deposited the amount of ₹ 4 lakh with the Registry of this Court and the concerned receipt is taken on record.

4. Counsel appearing on behalf of the complainant and Jaibir, while resisting the present petition submits that the petitioner defrauded the complainant as well as Jaibir and as such, is not entitled to the concession of anticipatory bail.

5. State counsel on instructions from ASI Mahipal has not disputed the assertions made by the counsel for the petitioner and further submits that as the petitioner has deposited the amount of ₹ 4 lakh in the Registry of this Court, the petitioner is not required for any further investigation or custodial interrogation by the police.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 28.10.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. The aforesaid deposit will be subject to final decision in the trial.

(KARAMJIT SINGH)
JUDGE

May 9, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No