

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49540-2023 (O&M)
DECIDED ON: 22.11.2023

KARNAIL SINGHPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
206	12.09.2023	406, 420, 467, 468 and 471 IPC	Panjokhra, District Ambala

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 02.11.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3. Learned State counsel, on instructions from ASI Satish Kumar, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 02.11.2023, this Court has passed the following order:-

“By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:-

FIR No.	Dated	Sections	Police Station
206	12.09.2023	406, 420, 467, 468 and 471 IPC	Panjokhra, District Ambala

2. *Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case. He submits that the present FIR was got registered by the complainant, namely Pardeep Kumar, on the allegation that some agreement to sell was got executed in his favour on behalf of one Koshambi Tomar but neither the sale deed had been got executed nor the earnest money was returned.*

3. *It is further contended by learned counsel for the petitioner that agreement to sell is dated 14.09.2020 annexed as Annexure P-2, wherein the petitioner is neither the signatory nor the beneficiary in any manner. He also refers to the complaint dated 04.01.2023 moved by the said complainant to the Superintendent of Police, Ambala, i.e. Annexure P-3 to submit that in fact the complainant had grievance qua Koshambi Tomar & Harpreet Singh and has not uttered any grievance against the present petitioner. He also refers to the order dated 05.10.2023 passed by learned Additional Sessions Judge, Ambala, whereby the co-accused, namely Suminder Singh @ Dr. Kamal, who happens to be the witness of the said agreement, has been granted the concession of anticipatory bail.*

4. *Notice of motion, returnable for 22.11.2023.*

5. *On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and does not disputed the aforesaid fact. She intimates, on instructions from ASI Satish Kumar, that the petitioner is not the signatory to the agreement and that reply on behalf of State-respondent has already been filed in the matter.*

6. *After considering the respective submissions and in the interest of justice, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the*

Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 02.11.2023 passed by this Court, interim bail granted vide order dated 02.11.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

22.11.2023

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(SANJIV BERRY)
JUDGE

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