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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 52628-2023
Date of decision: 18.10.2023*Rajeev Verma**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Karan Singh, 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. 554 dated 16.09.2023, registered under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, at Police Station Mahesh Nagar, District Ambala (Annexure P1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the complaint lodged by the complainant, the petitioner is alleged to have contacted the complainant and informed that IDFC First Bank Limited was going to auction two properties in Ambala. The petitioner had assured the complainant to get him allotted the said properties in an auction. However, one of those properties has been auctioned by the Bank but the petitioner has not been able to get it transferred in his favour. The other allegation against the petitioner is that he

has received a sum of Rs.4,50,000/- from the complainant as 'commission' for ensuring the maturing of the transaction. The petitioner has brought a demand draft, amounting to Rs.4,50,000/- in the name of the complainant in Court today, so as to return the said amount. So far as transfer of other property purchased by the complainant in the auction is concerned, this can be so transferred only by the Bank itself and the petitioner cannot help the complainant in that matter in any manner. The petitioner shall join the investigation as and when called for by the police. Therefore, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General Haryana accepts notice on behalf of the respondent - State. Mr. Rahul Gautam, Advocate appears and filed his *vakalatnama* in Court today on behalf of the complainant.

Counsel for the State, on instructions from ASI - Mahesh Kumar and being assisted by counsel for the complainant has submitted that the petitioner is directly involved in the crime. There is bank transaction qua transferring a sum of Rs.4,50,000/- to the petitioner by the complainant. The investigation is at the initial stage. Therefore, the petitioner cannot be protected against his arrest.

On the other hand, counsel for the complainant has submitted that if the petitioner hands over the aforesaid demand draft to the complainant and permits him to get the same encashed, then the complainant does not have any objection to extending the concession of anticipatory bail to the petitioner.

As a response thereto, counsel for the petitioner has handed over a demand draft to counsel for the complainant in Court today, and has agreed that the complainant can get the same encashed.

In view of the above, but without commenting any further 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/surety bonds 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

October 18, 2023

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