

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

210

CRM-M-61097-2022(O&M)
Decided on :22.02.2023

Sagar Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr.Saurabh Sharma, Advocate, for the petitioner.

Mr.Rahul Mohan, DAG, Haryana.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioners, in case FIR No. 608 dated 10.12.2022, under Sections 406, 420 and 120-B IPC, registered at Police Station Mahesh Nagar, District Ambala.

Learned counsel for the petitioner states that the petitioner has joined the investigation, pursuant to the following order dated 28.12.2022, passed by this Court.

“Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.608 dated 10.12.2022 under Sections 406, 420 and 120-B IPC registered at Police Station Mahesh Nagar, District Ambala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand. While inviting the attention of this Court to the FIR, which has been annexed as Annexure P-1, he submits that only role attributed to the petitioner was that he had accompanied co-accused Rahul to the house of the complainant when the agreement to sell dated 09.12.2021 with respect to the sale of the house of co-accused

Rahul was executed. Learned counsel submits that the payment of Rs.5 lakhs was made by the complainant to co-accused Rahul for the purchase of the house and no amount of money with respect to the alleged transaction was received by him. He further submits that the petitioner was only an attesting witness to the agreement to sell dated 09.12.2021 entered into between the complainant and co-accused Rahul.

Heard.

Notice of motion for 22.02.2023.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. ”

Learned State counsel on instruction from ASI Harpreet Singh submits that though the petitioner has joined investigation and is not required for custodial interrogation, however, out of the total amount of Rs.5,00,000/- paid by the complainant to accused, some amount has still not been recovered.

Heard.

In view of the above, the instant petition is allowed and interim order dated 28.12.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

22.02.2023

mamta

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No