

**CRM-M-6641-2024**  
**Date of decision: 05.03.2024**

**...PETITIONER**

V/S

## ...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Sandeep Kotla, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

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**HARPREET SINGH BRAR J. (ORAL)**

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.238 dated 30.05.2023 registered under Sections 420, 406 IPC at Police Station Sector 13-17, Panipat, Haryana.

2. Mr. Sandeep Kotla,, Advocate has put in appearance on behalf of the petitioner and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place.

3. On 08.02.2024, following order was passed:

*“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.238 dated 30.05.2023 registered under Sections 420, 406 IPC at Police Station Sector 13-17, Panipat, Haryana.*

*Learned counsel for the petitioner, inter alia, contends that the agreement to sell was executed between the complainant, wife of the petitioner and one Vinit Kumar. A perusal of the agreement to sell indicates that the petitioner's wife is willing to sell her share in the petrol pump but the complainant is not discharging his liability by paying the entire sale consideration, as agreed in the agreement. The dispute between the parties is purely civil in nature, which has been converted into a criminal case. Further, maximum sentence provided*

*for the offences alleged to be committed in the FIR registered against the petitioner is less than 7 years. It is further contended that no notice under Section 41A Cr.P.C. has been issued to the petitioner and as such, in view of the ratio of law culled out in the judgment of the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51**, the petitioner is entitled for bail.*

*Notice of motion.*

*On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner. At this stage, Mr. Paramjeet Phor, Advocate, appears on behalf of the complainant and files his vakaltnama, which is taken on record.*

*Registry is directed to tag the same at the appropriate place.*

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51**; **Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273** and **Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 15.02.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

*If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

*Adjourned to 05.03.2024.*

*Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."*

4. Learned State counsel, on instructions from SI Teswir, submits that in compliance of order dated 08.02.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

5.           Keeping in view the statement made by learned State Counsel the order dated 08.02.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.
6.           The petition is accordingly allowed.
7.           Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

March 05, 2024  
manisha

(HARPREET SINGH BRAR)  
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No