

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

205/2

2024:PHHC:058694

CRM-M-9704-2021

Date of decision: April 30th, 2024

Harbir Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shailendera Jain, Senior Advocate
with Mr. Munish Kumar, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Arnav Ghai, Mr. Dhruv Trehan
and Ms. Kashish Sahni, Advocates
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in the present petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in FIR No.49 dated 25.01.2021, registered under Sections 406, 420, 506, 120B of the IPC at Police Station City Ballabhgarh, District Faridabad.

2. Vide order dated 09.10.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned senior counsel for the petitioner has inter alia reiterated that the petitioner is not even a signatory to the tripartite agreement and it has been still further submitted that even otherwise on a perusal of the allegations levelled in the FIR in question, no offence much less of cheating under Section 420 IPC is made out against the petitioner as it is not even the case of the complainant that there had been any concealment on his part while entering into agreement to sell with respect to the previous agreements to sell with M/s Bonanza Promoters Pvt. Ltd. and M/s Crown Township Pvt. Ltd.

Learned Senior counsel has submitted that if at all, it is a case of civil nature, which is being given a criminal complexion. Not only this, the agreement to sell has been entered into between the petitioner and Lekh Raj Daggar, who is none other than a confidante of the complainant himself.”

3. Learned senior counsel for the petitioner submits that in compliance of order dated 09.10.2023, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions from ASI Sanjay Kumar, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.
5. In view of the above, the petition is allowed and interim order dated 09.10.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

April 30th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No