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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9077-2024 (O&M)
Date of decision: 21.05.2024

Navdeep Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Karan Bhardwaj, Advocate
for the applicant-complainant.

HARPREET SINGH BRAR, J. (ORAL)

CRM-21906-2024

1. Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for placing on record Annexures A-2 to A-9.
2. In view of the averments made in the application, same is allowed and Annexures A-2 to A-9 are taken on record subject to all just



ecxceptions.

CRM-M-9077-2024

3. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.416 dated 03.08.2023 under Sections 379 & 420 of IPC (Sections 380, 452, 406, 467, 468, 471, 506, 120-B of IPC added later on), registered at Police Station Jagadhari City, District Yamuna Nagar.

4. On 20.02.2024, the 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.416 dated 03.08.2023 registered under Sections 379, 420 IPC (Sections 380, 452, 406, 467, 468, 471, 506, 120-B IPC added later on) at Police Station Jagadhari City, District Yamuna Nagar.

Learned counsel for the petitioner, inter alia, contends that the present controversy revolves around agreement to sell dated 09.12.2020 (Annexure P-2). The target date for registration of the sale deed was fixed as 10.06.2021. It is further contended that the complainant was unable to arrange money and therefore, the agreement was cancelled on 02.06.2021. The case of the prosecution is entirely based on the documentary evidence and the civil dispute has been given the colour of criminal prosecution.

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.

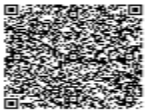
At this stage, Mr. Karan Bhardwaj, Advocate has put in appearance on behalf of the complainant and files his power of attorney, which is taken on record. He vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that complicity of the petitioner is writ large and the culpable intention of the petitioner to cheat the complainant is clearly discernible from the very inception.

*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 27.02.2024 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 11.03.2024.

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.”

5. Learned State counsel, on instructions from ASI Rajinder Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
6. In view of the statement of learned State counsel, order dated 20.02.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.
7. The petition stands disposed of.

21.05.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No