



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

CRM-M-24908-2024

Date of Decision : 20.08.2024

AMAN KUMAR

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gopal Sharma, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

Mr. Navmohit Singh, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 17.05.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of pre-arrest bail, in case FIR No.223 dated 06.04.2024, under Sections 406 and 420 of the IPC, registered at P.S. HTM Hisar.

2. The learned counsel for the petitioner inter alia submits that, even if the allegations are taken to be a gospel truth, even then too it is a case of civil breach of trust, which has deliberately been given a colour of criminality by the complainant. He further submits that, instead of filing a suit for specific performance of contract, the complainant has adopted a shortcut method by getting registered the present FIR. Lastly, he submits that since the dispute at hand involves an economic offence, therefore, a thorough inquiry was required to be conducted prior to registration of the present FIR, however, no such exercise was carried out.

3. Notice of motion for 29.07.2024.

4. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

5. In the meantime, the petitioner is directed to join the investigation and to 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.”

2. Today, learned State counsel has filed a status report, dated 15.08.2024, by way of an affidavit of Sh.Vijay Pal, DSP, HQ, Hisar, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

3. The prayer for grant of pre-arrest bail has been strongly opposed by learned counsel for the complainant, and submits that in fact, Rs.19.00 lakhs has been transferred in the account of the petitioner by way of bank transactions.

4. He further submits that it is a clear-cut case of cheating, as after entering into an agreement to sell with the complainant, the petitioner sold land in question to someone else, which reflects the dishonest intention of the petitioner from the first day itself.

5. On the other hand, learned counsel for the petitioner, draws attention of this Court towards the agreement to sell dated 04.10.2022, wherein, there is a reference with regard to the transaction of money, which is mentioned on filling-up the blank space through a hand note, whereas, the entire agreement to sell is a typed document.

6. He also submits that this transaction which is mentioned in the alleged agreement is in fact of 7th and 21st of October, 2022, i.e. post the execution of the alleged agreement to sell, which creates a suspicion on the very existence of this document.

7. He in addition submits that the petitioner entered into a partnership firm on dated 03.12.2021, vide Annexure P-5, with the son-in-law (Vikrant) of the complainant and on dated 14.03.2023, the son-in-law of the complainant, retired from the said partnership firm vide Annexure P-6.

8. He over and above draws attention of this Court towards the agreement to sell (Annexure P-2), on which son-in-law of the complainant (Vikrant), is cited as a witness.

9. On the other hand, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

10. This Court has considered the rival submissions made by all the parties concerned, and is of the view that, all the allegations in FIR against the present petitioner are yet to be established before the learned trial court concerned, by leading evidence, oral and documentary. Therefore, considering the fact that all the allegations are based on documentary evidence, the hereinabove extracted interim order dated 17.05.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

11. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

12. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

August 20, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No