



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-29674-2024
Date of Decision: 12.06.2024

Surender Pal SinghPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate
Mr. Shivam Sharma, Advocate
Mr. Amritpal Singh Maan, Advocate
for the petitioner.

Sandeep Moudgil, J.(Oral)

1. The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.109, dated 19.03.2024 (Annexure P-1), under Sections 406, 420, 120-B IPC, registered at Police Station Faridabad Central, District Faridabad.
2. Learned Senior counsel for the petitioner contends that the whole dispute revolves around a contractual obligation qua completing 50% of the construction which has not been adhered to and on that account, the instant FIR came to be lodged. He further contends that five petitions were pending before the Permanent Lok Adalat for amicable settlement between the parties, as is evident from Annexures P-5 to P-9.
3. Notice of motion.
4. On the asking of the Court, Mr. Surender Singh Pannu, Additional Advocate General, Haryana accepts notice on behalf of the



respondent-State and makes a valiant attempt to oppose the anticipatory bail to the petitioner on the ground that the hard earned money of the complainant is going waste who has purchased this shop and entered into an agreement to sell for which the petitioner has failed to fulfill his part of obligation as per the agreement to sell.

5. Since, the parties are already in the civil litigation before the Competent Court of law, this Court is of the *prima facie* view that the dispute involved in the instant FIR is civil in nature wherein criminal liability has been fastened upon the petitioner by way of instant FIR probably using it as an arm-twist mode.

6. In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

7. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

8. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

12.06.2024
Varinder Prashad

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No