

209-2

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

**CRM-M-30816-2023 (O&M)
Date of decision : 15.01.2024**

Yashpal

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Shivansh Malik, Advocate,
and Mr. Ashutosh Verma, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Deepak Vashisth, Advocate,
for respondent No.2.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.85 dated 28.01.2023, under Sections 420 & 506 of the Indian Penal Code, registered at Police Station City, Rohtak.

2. Allegations are that petitioner along with his co-accused, cheated and criminally intimidated the complainant by selling a plot to his wife-Asha on which houses were already constructed.

3. This Court, on 19.06.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Learned counsel for the petitioner submits that a pure and simple civil dispute has been given the colour of a criminal case. He submits that the sale deed was executed by the petitioner on 05.02.2020 and as per the allegations levelled by the complainant, he visited the site on 04.08.2022 i.e. after two and a half years from the execution of the sale deed and found some construction at the spot. Learned counsel submits that the petitioner is filling to join investigation and abide by any condition imposed by this Court. He also places reliance upon order dated 09.06.2023 passed by this Court in CRM-M-30119 OF 2023 (Annexure P-13) vide which co-accused Ashok has been granted interim relief by a Coordinate Bench.

Notice of motion for 21.08.2023.

Mr. Amit Aggarwal, DAG, Haryana accepts notice on behalf of the respondent-State.

*To be listed alongwith **CRM-M-30119 of 2023 titled as Ashok Vs. State of Haryana and another.***

In the meantime, the petitioner is directed to join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438(2) Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Although, learned State Counsel, on instructions from the police officer present in Court, duly acknowledged that petitioner has joined the investigation, but opposed the prayer on the ground that possession of the plot in question has not been handed over to the complainant.

6. Learned counsel for the complainant also vehemently opposed the prayer of petitioner on the premise that they have been cheated by selling a plot on which houses were already constructed.

7. Concededly, petitioner has joined investigation in terms of the order passed by this Court. It is evident that sale deed dated 04.02.2020 (P-1) was executed by the petitioner, in favour of the wife of complainant; namely, Asha. It is also discernible that said Asha has further entered into an agreement to sell the plot with one Sandeep after receiving an amount of Rs.48,00,000/- through cheque No.000059 dated 24.06.2022 (HDFC Bank). Therefore, *prima facie*, the allegations of possession appear to be disputed question and that shall be decided during trial.

8. In view of the above, interim order dated 19.06.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

10. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

11. Disposed off accordingly.

12. Pending application(s), if any, shall also stand disposed off.

15.01.2024

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No