



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

CRM-M-29765-2024

Date of decision: 15.10.2024

Devender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kunal Dawar, Advocate and
Mr. Sanyam Khetarpal, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

Mr. Manpreet Singh, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking grant of anticipatory bail in a criminal case having FIR No.448, dated 11.10.2023, under Sections 406, 420, 120-B IPC, registered at Police Station Kheri Pul, District Faridabad.

2. The allegations in nutshell are that petitioner entered into an agreement to sell his property with the complainant and received Rs.21,75,000/- from the complainant. The said agreement was executed on 25.03.2013. That thereafter, petitioner did not execute the sale deed in favour of the complainant and rather sold his plot to some third person.

3. The counsel for the petitioner submits that petitioner is falsely implicated in the present case. The complainant has filed suit for specific performance of aforesaid agreement against the petitioner and one Ram Kumar, as is evident from Annexure P-4 and the said civil suit is still pending. That the filing of the said civil suit indicates that dispute between the parties is primarily of a civil nature. It is further contended that the alleged subsequent transaction between petitioner and Ram Kumar stands



cancelled, as is evident from affidavit Annexure P-8 submitted by Ram Kumar in this regard. The counsel for the petitioner further submits that the petitioner has joined the investigation with the police in compliance of the earlier order passed by this Court.

4. The counsel appearing on behalf of the complainant submits that the petitioner defrauded the complainant of Rs.21,75,000/- which was received by the petitioner on the basis of agreement to sell dated 25.03.2013 executed by the petitioner in favour of the complainant with regard to his plot.

5. The State counsel on instructions from ASI Mohd. Kasim has apprised the Court that the petitioner who has joined the investigation is not required any more for further investigation or custodial interrogation by the police.

6. It is a matter of evidence as to whether the petitioner was having any dishonest intention from the very beginning when the agreement to sell dated 25.03.2013 was executed between the parties. Further, the petitioner who has earlier joined the investigation, is no more required by the police for the purpose of investigation. In the given circumstances, no purpose is going to be served, even if the petitioner is subjected to custodial interrogation at this point of time.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 09.07.2024 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

15.10.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**