



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

**CRM-M-29839-2024
DECIDED ON: 13.06.2024**

TARLOCHAN SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

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.54, dated 25.04.2024 (Annexure P-1), under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC, 1860, registered at Police Station Sector 9, Ambala City, District Ambala.

Learned counsel for the petitioner contends that the dispute involved in the instant FIR is purely of civil nature which has been given the colour of criminal liability. It is asserted on behalf of the petitioner that the complainant who is a property dealer has sold the plot in the year 2015-19 by showing the documents that plot in question has thorough clear passage but in the year 2024, the complainant came to know that there was no passage at the spot and on that account, the instant FIR came to be lodged.

Notice of motion.

On the asking of the Court, Mr. Surender Singh Pannu, Addl. A.G., Haryana accepts notice on behalf of the respondent-State and supports the version of the complainant to contend that a clear case of Section 420, 406, 467, 468, 471, 506 and 120-B IPC is made out in the light of the fact that no passage is available at the spot which was otherwise sold by the petitioner in the year 2015 and to that effect an affidavit dated 11.01.2019 has been produced today in Court, which is taken on record.

Be that as it may, having heard learned counsel for the respective parties including the State counsel, this Court is of the considered view that the complainant ought to have taken all cautions and the necessary verification of revenue record at the time he purchased the plot from the present petitioner in the year 2015-19 and now at such a belated stage after lapse of more than 9 years lodging of the instant FIR is nothing but an abuse of process of law *prima facie* view has been made by this Court at this stage while considering the anticipatory bail petition atleast.

Mr. Rishi Pal Rana, Advocate has put in appearance on behalf of the complainant and filed his Power of Attorney, which is taken on record. In addition to the contentions of learned State counsel, he submits that the petitioner is a habitual offender and is in the business of selling land by making false promises and asserts that on a map the petitioner has signed ensuring that there is a clear and thorough passage connecting these plots/piece of land. However, this Court cannot loose sight of the fact that it was incumbent upon the complainant himself alone to verify the genuinity of the passage who committed himself a mistake in relying upon the map

merely signed by the petitioner and now taking such a plea for opposing the anticipatory bail does not hold good at all, of which he actually was under the obligation to inspect from the revenue record at the time he entered into the agreement to purchase the said piece of land.

In the light of above, wherein no particular incriminating material has been put forth before this Court which could necessitate custodial interrogation of the petitioner since nothing is to be recovered from him except the agreement to sell i.e. a transaction/contractual obligation between the two entered into.

As far as argument raised by Mr. Pannu, Addl. A.G., Haryana to the extent that the custodial interrogation of the petitioner is required for the purpose of getting information qua other such sale of land made by him is concerned, has no connection or bearing to the facts and circumstances of the present FIR which is a criminal liability being fastened upon the petitioner in an individual capacity.

The State, if so desire, may proceed against the petitioner under other appropriate provisions of Special Act and Statutes legislated by it.

In view of the 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.

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.

The petition in the aforesaid terms stands allowed.

13.06.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>