

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

Neutral Citation No. **2024:PHHC:030585**
CRM-M-41838-2023
Date of Decision: March 04, 2024

Vijay Singh @ Ballu

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Deepika, Advocate for
Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Kushager Goyal, Advocate for respondent No.2.

DEEPAK GUPTA, J.(Oral)

Power of attorney has been filed on behalf of respondent
No.2.

2. On 24.08.2023, the following order was passed by this
Court:-

“By way of this petition filed under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.158 dated 03.03.2023 registered under Sections 419, 420 IPC at Police Station City Narnaul, District Mohindergarh. FIR was lodged on the complaint of Har Chand Yadav, as per which petitioner had entered into an agreement to sell dated 03.04.2017 in respect of certain land for consideration of ₹12,80,000/-. It was alleged that ₹12,50,000/- had been paid as earnest money. Since sale deed was not executed as agreed, suit for specific performance was filed, which was decreed on 10.02.2020. It was alleged that during pendency of the suit, petitioner had taken a loan of ₹1,08,000/- by mortgaging the land in question and thus cheated the complainant. It is contended by learned counsel for the petitioner that it is purely a civil dispute

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which has been given a criminal colour. It is further contended that no loan was obtained by the petitioner and rather only kisan credit card was applied. It is further contended that during execution proceedings, oral compromise has been effected between the parties and petitioner had transferred an amount of ₹3,50,000/- in the bank account of the complainant- respondent No.2 as evident from Annexure P.2.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on behalf of the respondent- State. Copy of the petition be supplied to him during course of the day. In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

3. Learned counsel for respondent No.2-complainant submits that no oral compromise has been effected amongst the parties as referred in the order dated 24.08.2023.

4. However, learned counsel for the petitioner submits that said fact in itself cannot be a reason to decline the benefit of anticipatory bail as it will a matter of trial.

5. Today, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 24.08.2023 and is no longer required for further investigation.

6. In view of the aforesaid, the order dated 24.08.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

March 04, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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