



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205 CRM-M-40539-2024(O&M)
Date of Decision: 21.10.2024

CHANDER PARKASH ...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.RESPONDENTS

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Pankaj Bali, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
420	29.06.2022	Gharaunda, District Karnal.	406, 420, 506 & 509 of IPC

2. Vide order dated 22.08.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 22.08.2024 is reproduced as under:-

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.420 dated 29.06.2023 registered under Sections 406, 420, 506 and 509 of IPC at Police Station Gharaunda, District Karnal on the basis of written complaint filed by the complainant- Rajo alleging therein that her son-Sandeep Kumar was owner of some land in Gharaunda. The present petitioner in connivance with co-accused Raj Kumar had got the sale deed registered qua the said land by exercising fraud upon her son. Thereafter,



the petitioner and co-accused sold this land to some other persons. However, no sale consideration amount was actually given to them and she herself and her son are in possession of the said land. She further alleged that now the petitioner along with co-accused went there to take illegal possession of her land and had been hurling abuses to them as well as extended threats to them. Therefore, she prayed for taking penal action against them. After registration of the FIR, investigation is underway. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which had been dismissed by learned Additional Sessions Judge, Karnal vide order dated 13.08.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. In fact, the son of the complainant used to borrow money from him. As on 01.08.2018, an amount of ` 14,30,000/- was payable by him and in lieu thereof, he had executed the sale deed of the subject land in favour of the petitioner on the same day. He has also sworn an affidavit to the effect that if the loan taken by him was repaid then, he would be entitled to get the sale deed of the said land registered in favour of him. It is further argued that subsequently, an amount of ` 21,00,000/- had been given by the petitioner to the son of the complainant-Sandeep Kumar and another sale deed in favour of uncle of the petitioner had been executed. Civil litigation was initiated by the son of the complainant subsequently but two of those suits have been withdrawn. The complainant has no locus standi to lodge complaint against him and no cause of action has been arisen. The petitioner is ready to join the investigation and his custodial interrogation is not required as no recovery is to be effected from him.

Notice of motion.



Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, Ms. Binayjeet Sheoran Virk, Advocate appeared and has filed her vakalanama on behalf of the complainant. The same is taken on record. She seeks time to file reply.

Adjourned to 25.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. ”

3. On 25.09.2024 it was informed by Learned State counsel that though the petitioner had joined the investigation but he was again required to join the investigation for the purpose of effective certain recoveries. Today, status report dated 18.10.2024 has been filed by respondent-State counsel. It is submitted by learned State counsel that the petitioner has joined the investigation on 03.10.2024 but has not got recovered a cheque bearing No.000077 dated 01.08.2018 for a sum of Rs.9,75,000/- which was given by son of the complainant to the petitioner. The petitioner, who is present in the Court alongwith his counsel have stated that no such cheque has mentioned above is in possession of the petitioner and have undertaken that even if it is so, the same would not be used by the petitioner in any manner whatsoever. In view of the undertaking so given and further the fact that the custodial interrogation of the petitioner is not required. I see no

reason as to why the order dated 22.08.2024 should not be ordered to be made absolute. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 22.08.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 of the Bharatiya Nagarik Surakhsa Sanhita, 2023.

October 21, 2024
vipin

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |