

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46859-2023
Date of decision: 29.04.2024

JITENDRA SHARMA
....PETITIONER

VERSUS

STATE OF HARYANA
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Kanishk Sarup, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
61	11.03.2023	406, 419, 420, 467, 468, 471, 120-B of IPC	Sushant Lok, Gurugram.

2. Learned counsel for the petitioner submits that in compliance to the order dated 04.10.2023 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 04.10.2023.
3. Learned State counsel, on instructions from Mr. Vikas Kaushik, ACP, DLF, Gurugram, In-charge of SIT, who is present in Court today, submits that the petitioner has joined the investigation and is not

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required for further investigation nor is he required for any custodial interrogation.

4. During the course of hearing on 04.10.2023, following order was passed:

“2. *It is, inter alia, contended by learned Senior Counsel appearing on behalf of petitioner that the petitioner happens to be bona fide purchaser of the property in question, having purchased the same from Akhil Wasuja, who had become owner of the property on the basis of transfer deed (Annexure P-3) dated 16.04.2019 whereby Mrs. Sushila Wasuja had transferred the property in favour of Akhil Wasuja through registered transfer deed of blood relation. Learned counsel for the petitioner further contends that on the basis of the said transfer deed, the petitioner got the property purchased vide Annexure P-2 dated 10.06.2019 after securing loan from the Bank and all the documents of title were duly verified with the Bank before granting loan facility to the petitioner and entire sale consideration was also paid by the Bank as is recorded in the sale deed itself. He further contends that when the petitioner applied for mutation of the property, the builder refused. Thereafter, the petitioner had already moved application to the police and also a complaint before the Ilaqua Magistrate which is still pending but in the meanwhile, the present FIR has been registered.*

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Surender Singh, AAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.*

5. *Adjourned to 17.10.2023.*

6. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

7. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”*

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 04.10.2023, is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

29.04.2024
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