



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

CRM-M-50992-2024

Date of Decision : 12.11.2024

JEET RAM

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ram Bilas Gupta, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

Mr. G.P.S.Bal, Advocate with
Mr. Shubham Makkar, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 16.10.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner has sought the concession of anticipatory bail, in case FIR No.187 dated 30.08.2024, under Sections 406, 420, 120-B of the IPC, registered at P.S. Kalka, District Panchkula.

2. Succinctly stated, the allegations against the petitioner are that, in the year 2013, he entered into an agreement to sell in respect of some piece of land, which he did not even own, and, in this way, he duped the complainant for ₹ 50 lacs.

3. The learned counsel for the petitioner inter alia submits that, the petitioner has not executed the alleged agreement to sell, and, the veracity of the alleged agreement is yet to be established. He further submits that the complainant has, in respect of the agreement to sell appertaining to the year 2013, not yet filed any civil suit for redressal of his grievance.

4. Lastly, the learned counsel for the petitioner has submitted that, even if the allegations are taken to be a gospel truth, yet the custodial interrogation of the petitioner is not required, as the case is based upon documentary evidence.

5. At this stage, Mr. G.P.S. Bal, Advocate, has recorded his appearance on behalf of the complainant, under a validly executed

Vakalatnama instituted before this Court today. He has opposed the grant of anticipatory bail to the petitioner, on the ground that, in fact, the petitioner not only duped the complainant in the year 2013 by entering into an agreement to sell in respect of the land which he did not own, but, thereafter also, he induced the complainant to purchase another piece of land, which is adjacent to the land detailed in the disputed agreement to sell. However, this time again, the petitioner backed out from his commitment and as a result, the complainant became duped of Rs.1,28,70,000/-, which he paid to the accused Prem Chand.

6. Notice of motion for 12.11.2024.

7. Mr. Rajesh Gaur, Addl. A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

7. Be that as it may, since (i) the dispute is prima facie civil in nature; and (ii) the entire case is based upon documentary evidence; this Court deems it appropriate to grant the asked for relief to the petitioner.

8. Therefore, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S. ”

2. Learned counsel for the petitioner submits that in deference to the direction issued by this Court vide order (*supra*), the petitioner has joined investigation, and has fully co-operated with the investigating agency.

3. On the other hand, learned State counsel, though admits the *factum* of petitioner's joining investigation, however, he refutes the second submission regarding extending full co-operation to the investigating agency.

4. He, on instructions imparted to him by the official concerned, informs this Court that the petitioner is required to get recovered the disputed amount to the tune of Rs.50 lakhs, which he has not got recovered so far, therefore, his custodial interrogation is required.

5. This Court has considered the submissions made by the rival parties, and is of the considered opinion that the instant petition cannot be

converted into a suit for recovery, and the petitioner already having joined the investigation, the hereinabove extracted interim order dated 16.10.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

6. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

8. All pending application(s), if any, also stand **disposed** of accordingly.

November 12, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No