



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

CRM-M-2519-2024

Date of Decision : 14.05.2024

SANTOSH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kapil Aggarwal, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Nikhil Mittal, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 09.04.2024, the following order was passed by this

Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.459 dated 02.09.2023, under Sections 406, 420 and 506 of the IPC, registered at P.S. Naraingarh, District Ambala.

2. The learned counsel appearing for the petitioner, in his asking for the relief (supra), submits that the mother of the petitioner had a piece of land in Harijan Basti, Naraingarh, which she decided to transfer in the name of her son/present petitioner. Since both the petitioner and his mother are illiterate, they went to a deed writer for executing a transfer deed in respect of their own land, however, they did not carry any revenue documents. In the absence of any revenue documents being supplied by the petitioner and his mother, the deed writer concerned sent somebody to get the Jamabandi from the office of Patwari. What went wrong was that the concerned official instead of supplying the Jamabandi pertaining to the land owned by mother of the petitioner, supplied the Jamabandi pertaining to the land owned by one Vidya Wati wife of Bhog Chand son of Siri Chand. The above mistake occurred owing to similarity inter se the names of mother of the

petitioner and the mother of complainant. Since wrong Jamabandi was supplied by the official concerned, the transfer deed was inadvertently executed by mentioning therein the description of land owned by mother of the complainant, instead of description of land owned by mother of the petitioner.

3. To substantiate his submission qua the transfer deed concerned being an outcome of sheer inadvertence and bona fide error, the learned counsel for the petitioner submits that the complainant had filed a suit for declaration against the present petitioner, wherein, the petitioner has made a categorical statement that neither he has any concern with the land in dispute, nor he is in possession thereof, nor he will alienate it.

4. Notice of motion for 09.04.2024.

5. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

6. In the meantime, 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 438(2) Cr.P.C.”

2. The petitioner was again directed to join investigation vide order dated 09.05.2024.

3. Today, learned State counsel, on instructions imparted to him by ASI Narender, submits that the petitioner has joined the investigation in pursuance to the aforesaid orders, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

4. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 09.04.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

May 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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