

Kanhaiya ChaudharyPetitioner

State of Haryana ...Respondent

Present: Mr. Adarsh Jain, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

On 15.12.2023, the following order was passed:-

Learned counsel for the petitioner inter alia contends that the FIR was lodged on the allegations that a plot measuring 500 sq. yards was sold to one Dharmender Kumar and out of the sale consideration of Rs.10 lakhs, Rs.3.50 lakhs was received by co-accused-Munna Lal Gupta and the remaining amount of Rs.7 lakhs was received by the

petitioner and co-accused-Munna Lal Gupta jointly. Pursuant to the agreement to sell, no sale has taken place, even the person who is alleged to have purchased the plot, in question, has not come forward to lodge any complaint. He further submits that similarly situated co-accused-Munna Lal Gupta has been granted ad interim bail vide order dated 05.12.2023 passed in CRM-M-61066-2023 titled as 'Munna Lal Gupta Vs. State of Haryana'.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 24.01.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

To be heard along with CRM-M-61066-2023. '

Learned State counsel on instructions from ASI Raj Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 15.12.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

24.01.2024
Neha

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