

2024:PHHC:026076

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

211

CRM-M-63937-2023

Date of Decision : **February 26, 2024**

IRSHAD KHAN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Munish Behl, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 19.12.2023, the following order was passed:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of pre-arrest bail to the petitioner in case FIR No.156 dated 16.2.2023, under Sections 420, 467, 468, 471, 120-B of IPC, registered at Police Station Sector-58, District Faridabad.

The instant FIR was registered on the basis of a complaint made by Jagdev Singh son of Sant Ram against Banta Singh, Irshad Khan (present petitioner), Roshni Saini, Raj Kumar, and Vilas Kumar, wherein, it is alleged that Banta Singh-accused No.1 was the original allottee of the plot and sold the same way back in the year 2012 to Shashi Kala Tiwari and thereupon Shashi Kala Tiwari sold this plot to complainant on 23.1.2018. Thereafter Banta Singh transferred this plot in the year 2020 in order to defeat the right of the complainant in favour of the present petitioner Irshad Khan, and the present petitioner further sold this plot to Roshni Saini, and Roshni Saini is in the process to execute the sale-deed in favour of Raj Kumar.

Learned counsel for the petitioner submits that infact,

the petitioner is a victim of fraud being played by the main accused Banta Singh, as he was never made aware the petitioner about the earlier transaction. He raised the plea of bonafide purchaser and submits that he got the sale-deed executed and got it registered and paid the requisite stamp duty to the State Exchequer and, therefore, he cannot be considered to be a person, who infact is involved in deception or creating of false documents.

Notice of motion.

On the asking of the Court, Mr. Bhupender Singh, DAG, Haryana-accepts notice on behalf of the State of Haryana and prays for time to file reply to the instant petition.

Adjourned to 24.2.2024.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by ASI Anil, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 19.12.2023 is, hereby, made absolute.

February 26, 2024
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(KULDEEP TIWARI)
JUDGE

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