

**CRM-M-46230 of 2024** **1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****209****CRM-M-46230 of 2024****DATE OF DECISION :- 15.01.2025****Vishal Kanwar****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Omkar Chauhan, Advocate
with Mr. Sachin Sharma, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Karan Puggal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.228 dated 21.07.2024 under Sections 419, 420, 467, 468, 471 and 120-B IPC registered at Police Station Naraingarh, District Ambala.

2. On 17.09.2024, the following order was passed:-

“Apprehending his arrest the petitioner has filed this petition under Section 482 BNSS for grant of anticipatory bail in case bearing FIR No.228 dated 21.07.2024 under Sections 419, 420, 467, 468, 471 and 120-B IPC registered at Police Station Naraingarh, District Ambala.

2. Learned counsel for the petitioner inter alia submits that it is alleged that the petitioner and co-accused had cheated the complainant by selling the property measuring 7 marlas in Tehsil Naraingarh, in which complainant was having half share. It is alleged that wife of the petitioner had impersonated the complainant at the time of registration of sale deed dated 07.06.2011. He further submits that there is an inordinate delay of 13 years in lodging the FIR and the petitioner has



been falsely implicated in the present case. He further submits that the co-accused has already been granted the concession of anticipatory bail by this Court vide order dated 11.09.2024 passed in CRM-M-45261-2024.

3. Notice of motion for 24.10.2024.

4. Mr. Anmol Malik, DAG, Haryana waives service of notice on behalf of the respondent-State and seeks time to file reply. Mr. Karan Puggal, Advocate, has put in an appearance on behalf of complainant and filed his Memorandum of Appearance in Court today, which is taken on record.

5. Learned counsel for the parties submit that there are chances of amicable settlement between the parties and the matter may be referred for mediation.

6. In view of the above, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 23.09.2024 at 11.00 a.m. to explore the possibility of amicable settlement.

7. In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS:-

i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

iii) That the petitioner shall not leave India without prior permission of the Court.

8. To be heard alongwith CRM-M-45261-2024.”

3. Learned State counsel, on instructions from SI Parmod Singh, has stated that pursuant to the order dated 17.09.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

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4. Learned counsel for the complainant have vehemently opposed the grant of anticipatory bail to the petitioner by arguing that there are direct, clear and serious allegations against the petitioner and hence anticipatory bail ought not to be granted to the petitioner. Learned counsel for the complainant has further iterated that in case the petitioner is granted the concession of anticipatory bail there is every likelihood that the petitioner may influence the investigation as also the witnesses.

5. Keeping in view the entirety of facts and circumstances of the case, especially the factum of petitioner having joined investigation and not being required for custodial interrogation by the State & the genesis of the FIR in question primarily pertaining to a civil/property dispute, the present petition stands allowed and the interim order dated 17.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

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

(SUMEET GOEL)
JUDGE

15.01.2025
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No