

2. *After considering the rival contentions and perusing the record, it transpires that in the reply filed by the State, a specific contention has been raised that aspect of existence of park is yet to be ascertained.*

3. *Be it the case, without commenting on the merits, the petitioner is directed to join the investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) of BNSS, 2023.*

4. *List on 13.02.2025.”*

4. Learned State counsel on instructions received from Head Constable Kuldip Singh informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Learned counsel for the complainant has opposed the grant of bail on the ground that in the agreement to sell (Annexure P-13) there had been mention that the property in question was free from all encumbrances. However, there had been a civil suit (Annexure P-11) already filed for permanent injunction by Sawinder Singh. He contends that the petitioner intentionally de-frauded the complainant.

6. The learned counsel for the petitioner submits that the petitioner has already joined the investigation and whatever plea has been taken by learned counsel for the complainant is a matter of trial, to be appreciated on the basis of evidence.

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 29.01.2025 passed by this Court, interim

bail granted vide order dated 29.01.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.
9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13.02.2025
puneet

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |