

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

Crl.Misc.No.M-13731 of 2015

Date of decision : 16.7.2015

Pooja Devi

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.R.S.Sangwan, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

.....

MAHESH GROVER, J.

The petitioner prays for her release on bail in terms of Section 438 Cr.P.C. in a case registered vide FIR No.76 dated 23.2.1015 under Sections 420, 467. 468. 506. 471, 120-B IPC at Police Station Kosli, Distt. Rewari.

The petitioner has purchased the land from the original owners namely Neera Sharma, Sunita Sharma and Priyanka Sharma vide sale deed dated 27.12.2013 on the strength of an agreement to sell executed on 26.6.2012. The complainant alleges an agreement to sell in his favour on 10.10.2012.

Learned counsel for the petitioner contends that if a fraud has been played it is by the owner who possibly might have concealed the factum of the sale from the complainant but he

being a bona fide purchaser has no role to play in the alleged fraud. It is contended that the complainant has also filed a civil suit regarding the agreement in his favour.

On due consideration of the matter, I am of the view that the FIR has been lodged two years after the sale when the complainant himself has resorted to the civil remedies available to him. The facts suggest that the petitioner has a sale deed in her favour and therefore the grievance of the complainant ought to be against the owner of the property. Thus, I am of the view that the petitioner deserves the concession of pre-arrest bail.

Consequently, the interim directions dated 29.4.2015 are hereby made absolute subject to the condition that the petitioner continues to comply with the provisions of Section 438(2) Cr.P.C.

Petition allowed.

16.7.2015

(MAHESH GROVER)
JUDGE

dss