

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-2325-2015

Date of decision: 24.9.2015

Rajender Nagar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.R.S.Rai, Sr.Advocate with
Mr.Gautam Dutt, Advocate for the petitioners.
Mr.Ashish Yadav, Addl. A.G., Haryana.
Ms.Dhriti J. Sharma, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioners seek pre-arrest bail in FIR No.1039 dated 25.12.2013 registered under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code at Police Station Ballabgarh City, District Faridabad.

Notice of motion was issued and interim protection was granted.

Learned senior counsel for the petitioners submits that so far as recovery of amount is concerned, civil suit of the complainant is already pending. Complainant is only a mortgagee and mortgaged money was only Rs.2000/- as per his own pleadings before the civil court. He further submits that if ultimately the petitioners are found liable to pay any amount to the complainant or anybody else, they will abide by the orders of the court. However, at this stage custodial interrogation of the petitioners would not be required. He prays for allowing the present petition.

Learned counsel for the State, on instructions from SI Mangal Chand, Police Station Economic Offence Wing, Ballabgarh City, submits that though the petitioners have joined the investigation but recovery of the amount on account of sale consideration has not been got effected by them for which custodial interrogation of the petitioners is required. Endorsing the argument raised by the learned counsel for the State, learned counsel for the complainant also seeks dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioners have been found entitled for the concession of pre-arrest bail. It is so said, because irrespective of the amount on account of sale consideration, the matter is primarily of civil nature. Civil litigation is already pending between the parties. In such a situation, custodial interrogation of the petitioners would not be required.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, the instant petition is allowed. The order dated 22.1.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

24.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE