

CRM-M-24096-2014 (O&M)

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

**CRM-M-24096-2014 (O&M).
Decided on: January 16, 2015.**

Girraj and another

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.J.S.Hooda, Advocate,
for the petitioners.**

Mr.M.S.Sidhu, Addl. A.G., Haryana.

**Mr.Manoj Kumar Sood, Advocate,
for the complainant.**

M.M.S. BEDI, J (ORAL).

Petitioners seek concession of pre-arrest bail in a case registered at the instance of Phoolwati alleging that the petitioners had shown the complainant mutation No.2148 regarding their land and entered into an agreement of sale with the complainant for a total sale consideration of Rs.10 lacs. Rs.5.7 lacs was paid to the petitioners by the complainant and her son. As per the allegations in the FIR, a sum of Rs.20 lacs was further deposited.

The petitioners started pressurising the complainant to deposit more amount as such, total amount of Rs.1.70 crores was paid whereas the mutation presented was forged and fabricated

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document. Allegation is that son of the complainant has also been abducted.

Counsel for the complainant has intervened to oppose the application for pre-arrest bail.

I have heard the counsel for the petitioners and gone through the record.

It appears that a similar agreement of sale between the complainant and Puran had been relied upon by the complainant but it was not implemented implying hereby that no rights, title or interest accrued due to said agreement but on the basis of similar agreement the present FIR has been registered. It is not understood as to how a sum of Rs.1.75 crores has been paid whereas the total sale consideration was Rs.10 lacs as per the agreement of sale. Be that as it may, the petitioners have joined investigation and the complainant till date has not filed any suit for specific performance or for alternative relief to get the amount refunded. The case involves mixed liability of civil and criminal nature. It does not appear to be a case of custodial interrogation.

The petition is allowed. Interim order dated 21.7.2014, is hereby made absolute subject to all the conditions under Section 438 (2) Cr.P.C.

January 16, 2015.
rka

(M.M.S. BEDI)
JUDGE