

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

CRM-M-24590-2015

Date of decision: 01.10.2015

Murti Devi

... Petitioner

Vs.

State of Haryana and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. K.D.S. Hooda, Advocate
for the petitioner.

Mr. Pardeep Sharma, AAG, Haryana.

Mr. P.R. Yadav, Advocate
for respondent No.2-complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.478 dated 07.11.2013 under Sections 420, 406, 467, 468, 506 IPC, registered at Police Station Barwala, District Hisar.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the order passed by this Court, petitioner has already joined the investigation and cooperated with the investigating agency. He further submits that since the Civil Suit (Annexure P-3) filed by the complainant seeking a decree of specific performance is already pending between the parties, custodial interrogation of the petitioner would not be required. He prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned counsel for the complainant-respondent No.2 submit that despite pendency of the Civil Suit, petitioner cannot be absolved from her liability to pay the huge amount which she has received from the complainant. They pray for 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 in the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of anticipatory bail. It is so said because suit for specific performance filed by the complainant (Annexure P-3) is pending between the parties. Liability of the petitioner to pay any amount to the complainant is yet to be established. In such a situation, recovery of disputed amount cannot be imposed on the petitioner. Except this alleged non-cooperation, there is no allegation against the petitioner that she has tried to misuse the concession of interim anticipatory bail granted by this Court.

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, instant petition is allowed and the order dated 02.09.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

01.10.2015
vishnu