

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

**C.R.M-M No.27716 of 2015
Date of Decision : 25.08.2015**

Vidya Devi and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.P.S. Deol, Sr. Advocate
with Mr. Sushil Jain, Advocate
for the petitioners.

Ms. Harpreet Kaur, A.A.G., Haryana.

Mr. R.S. Rai, Sr. Advocate
with Mr. Gautam Dutt, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioners under Section 438 Cr.P.C. in case FIR No.326 dated 02.07.2015 registered under Sections 406, 420, 467, 468 IPC at Police Station Badshapur, Gurgaon.

On 20.08.2015 the following contention was raised:-

“Learned senior counsel has argued that the present dispute is

pending in a civil suit for the last 10 years and this fact has not been mentioned in the FIR and there is no explanation why he has filed this complaint about 10 years after the alleged cause of action which as per him occurred as far back as 07.11.2005.”

Learned Assistant Advocate General on instructions from ASI Mohan Singh as well as the learned Senior Counsel for the complainant have argued that the petitioners had definitely tried to defraud the victim and now yet another agreement to sell has emerged, therefore, there may be other persons to whom the petitioners may have similarly defrauded and the chronology of transactions clearly reveals that the petitioners had acted with a malafide design and consequently do not deserve the concession of anticipatory bail.

To my mind, the contentions raised on the last date i.e. a civil suit is pending with regard to the same dispute and that the complainant is claiming that a cloud had been cast on his title on 07.11.2005, have not been clearly disputed.

In the circumstances, without commenting upon the merits of the case and keeping in view the entire factual matrix, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioners are directed to appear before the investigating

officer on 04.09.2015 and on any other date as and when their presence is required. In case the petitioners do not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

August 25, 2015

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**(AJAY TEWARI)
JUDGE**