

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-29153 of 2015 (O&M)
Date of decision: 16th October, 2015

Anju Sardana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana,
for the respondent(s)-State.

Mr. Sanjay Verma, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner has preferred the instant petition under Section 439 Cr.P.C., seeking regular bail in case FIR No.13 dated 06.01.2015, registered at Police Station Palam Vihar, Gurgaon District Gurgaon, under Sections 420, 406, 120-B IPC.

Notice of motion was issued.

Learned State counsel as well as learned counsel for complainant appeared and contested the instant petition.

I have heard learned counsel for the petitioner, learned State counsel as well as learned counsel for complainant and have gone through the record.

From the record, this Court finds that as per allegations, the petitioner entered into an agreement with the husband of complainant to sell flat/floor and obtained ₹40,00,000/- as earnest money. It is also in the FIR that possession was delivered to the

husband of complainant and lateron he was dispossessed from the said property and possession was taken regarding which separate FIR was registered. It is also stated in the FIR that husband of the complainant committed suicide due to these facts and regarding which a separate FIR was also registered.

Perusal of the FIR shows that it is a case regarding breach of contract. At the time of arguments, learned counsel for the petitioner contended that the sale deed was to be executed on 25.04.2011 but the complainant party had not executed the same. It is also stated at the time of arguments that no civil suit was ever filed on the basis of agreement to sell by any of the parties. The petitioner is in custody since 25.07.2015. The offences are triable by the Court of learned Judicial Magistrate Ist Class. The petitioner is not required for any investigation or interrogation purposes as she is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody.

Therefore, keeping in view the facts and circumstances of the present case and without discussing the facts of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds in the sum of ₹ 50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate, Gurgaon.

16th October, 2015
mamta

(INDERJIT SINGH)
JUDGE