

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

CRM-M-29426-2015

Date of decision: 01.10.2015

Rajni Rampal and anr.

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioners.

Mr. Pardeep Sharma, AAG, Haryana.

Mr. Karan Vir Nanda, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioners seek pre-arrest bail in FIR No.291 dated 10.08.2015 under Sections 406, 420, 467, 468, 471, 506, 120-B IPC and Section 3/32 of H.P.I.D.F.E. Act, 2014, registered at Police Station Sector-5, Panchkula.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioners submits that in compliance of the order passed by this Court, petitioners have joined the investigation and also cooperated with the investigating agency. Nothing is to be recovered from the petitioners and their custodial interrogation is not required. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from Inspector Sukhwinder Singh, State Crime Branch, Ambala as well as

learned counsel for the complainant submit that although petitioners have joined the investigation but they did not cooperate with the investigating agency. Since the amount in question is to be recovered from the petitioners, their custodial interrogation would be required. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since the time given in the agreement for handing over the possession is yet to expire in December, 2015, this Court is of the prima facie view that no offence would be made out against the petitioners. Further, it is also a matter of record that petitioners are not even signatory to the said agreement.

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 01.09.2015 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