

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

**CRM-M-40844 of 2015
Date of Decision: 3.12.2015**

Smt. Sunita

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Pawan Kumar, Sr. Advocate with
Mr. Abhimanyu Batra, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 692 dated 2.9.2015 under Sections 406/420/506/34/467/468/471/120-B IPC, registered at Police Station City Jind.

Learned senior counsel for the petitioner submits that petitioner was not even remotely connected with the offence alleged against her. She was owner in possession of plot measuring 450 sq. yds in Indira Colony, Jind. He further submits that petitioner suffered an agreement to sell Annexure P-4 for selling this plot in favour of the complainant. However, the said agreement to sell was cancelled vide Annexure P-5. He further submits that on the fresh agreement to sell dated 14.5.2015 (Annexure P-6), signatures of the petitioner

were forcibly taken by the complainant. Since the petitioner was forced to put her signatures on the agreement to sell, she approached the police vide complaint/representation (Annexure P-1). Thereafter, the impugned FIR came to be registered against the petitioner. He concluded by submitting that since co-accused of the petitioner namely Suresh Kumar has been granted the concession of regular bail by the learned trial court, present petitioner also deserves to be granted the concession of pre-arrest bail. He prays for allowing the present petition.

Having heard the learned senior counsel for the petitioner 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 in the given fact situation of the present case, instant one has not been found to be worth acceptance, because the petitioner is not entitled for the concession of anticipatory bail at the hands of this Court. It is so said because the argument raised by learned senior counsel for the petitioner that her signatures were forcibly taken on the agreement to sell dated 14.5.2015 (Annexure P-6) does not appeal to reason at all and the same has been found wholly misplaced for the reason that had it been correct, the petitioner would not have waited for a period of more than three months in approaching the police vide complaint/representation Annexure P-1. It is also pertinent note here that on the same day, petitioner filed civil suit for declaration vide Annexure P-3, challenging the validity of same very agreement to sell Annexure P-6. This prima facie shows malafide intention on the part

of the petitioner. In such a situation, this Court feels no hesitation to conclude that custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency so as to carry out an effective investigation.

So far as order releasing co-accused of the petitioner on bail, as sought to be argued by learned senior counsel for the petitioner, is concerned, the same would be of no help to the petitioner and the same is also to be noted to be rejected only.

In view of above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, no case for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

3.12.2015
Ak Sharma