

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

**CRM-M No.10559 of 2016 (O&M)
Date of Decision: 19.05.2016**

Urmila

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ajay Ghangas, Advocate for the petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
for the respondent/State assisted by S.I. Krishan Kumar.

Mr. Rakesh Gupta, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Prayer is under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner-Urmila in case FIR No.662 dated 22.05.2012 for the offences punishable under Sections 420, 406, 120-B and 34 of the Indian Penal Code, registered with Police Station Panipat City, District Panipat.

As per the allegations levelled by complainant-Rampal, the agreement for sale of residential house owned by co-accused Bura Singh was executed with the complainant and inspite of receipt of earnest money of Rs.7 lacs, the sale deed was not executed. It is alleged that it was not also disclosed that there was already a outstanding mortgage charge for a sum of Rs.4,90,000/- from the bank.

The role attributed to the petitioner is that she had connived with her co-accused in cheating the complainant.

It was contended that the petitioner is a lady and was only an attesting witness to the agreement to sell and as such no offence is made out against the petitioner, more so, when no civil remedy was sought for seeking the enforcement of the said agreement.

Learned Counsel for the petitioner submits that the petitioner has joined the investigation and nothing is to be recovered from her.

Learned State Counsel, assisted by S.I. Krishan Kumar, submits that although the petitioner has joined the investigation, however, she was declared proclaimed offender on 10.12.2015 and concedes that challan qua the main accused Bura Singh stood presented.

In the facts of the present case, it is felt that even if the petitioner was declared a proclaimed offender on 10.12.2015, her prayer for grant of anticipatory bail on merits cannot be brushed aside.

Without commenting on the merits of the case, in view of the above, interim protection/pre-arrest bail granted by this Court, vide order dated 29.03.2016, is made absolute.

Disposed of.

May 19, 2016

Gagan

**(JASWANT SINGH)
JUDGE**