

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

**CRM-M No.13584 of 2016 (O&M)
Date of Decision: 25.04.2016**

Naveen Sharma

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Sharmila Sharma, Advocate for the petitioner.

JASWANT SINGH, J. (Oral)

The complainant-Naveen Sharma has filed the present petition under Section 439 (2) Cr.P.C. read with Section 482 Cr.P.C. seeking cancellation of pre-arrest bail granted to accused-Bhuvan Joshi and his co-accused wife-Kiran Joshi (respondent Nos.2 and 3 herein), vide order dated 18.12.2015 (**Annexure P-4**), passed by learned Additional Sessions Judge, Gurgaon in case FIR No.714 dated 09.11.2015, under Sections 420, 406 and 506 of the Indian Penal Code, registered with Police Station Sector 5, Gurgaon.

Learned Counsel for the petitioner heard at length.

While granting pre-arrest bail vide order at **P-4**, learned Court has taken into consideration the entire facts and circumstances of the case as well as the raised arguments.

It has weighed with the Court that the dispute essentially was civil in nature. The concession of bail once extended cannot be ordinarily interfered unless and until there are compelling circumstances, including convincing grounds of tampering the evidence or making an attempt to win over the witnesses or any other manner misusing the concession.

In the present petition, the merits have been re-agitated by the complainant describing the manner of commission of offence to allege that there were multiple agreements to sell and the property in question was also repeatedly mortgaged.

Concededly, separate proceedings on behalf of the financial institutions as well as the civil suit seeking enforcement the agreements to sell are pending.

The allegations leveled regarding the *prima facie* commission of offence to cancel the pre-arrest bail are not enough to grant relief. The prosecution is yet to discharge the onus and the Civil Court is also yet to return the findings on material issues.

In the aforesaid circumstances, there is no ground to interfere under Section 439 (2) Cr.P.C.

Accordingly, the present petition stands dismissed.

April 25, 2016

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**(JASWANT SINGH)
JUDGE**