

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

CRM-M-15093 of 2016 (O&M)

Date of decision: 29.09.2016

Suniya Nayyar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Gagandeep Goyal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Karan Singh.

Mr. Sumit Jain, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.92, dated 07.03.2016, registered under Sections 406, 420, 506 and 120-B IPC, at Police Station City, Bahadurgarh.

The learned counsel for the petitioner states that petitioner is neither the signatory nor the beneficiary of the agreement to sell in question. In pursuance of order dated 26.05.2016, the petitioner has joined the investigation. In support of his contentions, the learned counsel cites **Madan Lal and another Vs. State of Haryana and another**, in CRM-M-1696 of 2008 of this Court and **Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others**, in CRA-2271 of 2010 (SC).

On the other hand, the learned State counsel as well as the learned counsel for the complainant submit that the petitioner knowing fully well that the property in question has been mortgaged with the bank, had entered into an agreement qua the property in question for a consideration of Rs. 60 lacs, out of which Rs.50 lacs has been paid to the petitioner and her husband. The learned State counsel has circulated the FSL report which suggests that the husband of the petitioner is the signatory of the agreement to sell.

Heard.

The petitioner in connivance with her husband knowing fully well that the property in question has already been mortgaged with the bank, sold the property to the complainant for a total consideration of Rs.60 lacs, out of which Rs. 50 lacs has already been paid by the complainant. Keeping in view fraud committed, no case for bail is made out. The ratio of case law cited by the learned counsel is distinguishable on facts and will not apply in the present case.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

29.09.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
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Whether Reportable :	Yes	No
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