

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

CRM-M-33223-2016

Date of decision: November 17, 2016

Neelam and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Punit Malik, Advocate for
Mr. Rajat Gautam, Advocate
for the petitioners.

Ms. Harpreet Kaur, DAG, Haryana
for the respondent-State.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 438 of Code of Criminal Procedure, petitioners have sought pre-arrest bail, feeling apprehension of their arrest, in case FIR No.211 dated 09.06.2016, under Sections 406, 420 IPC, registered at Police Station Sector 40 Gurgaon, District Gurgaon.

At the time of passing the order dated September 19, 2016, the following order was passed:-

“Inter-alia, it has been contended by learned counsel for the petitioners that petitioners are bonafide purchasers for value of consideration and without notice of any adverse title or any prior transaction in between the vendor (s) with any other person. The entire amount of the sale consideration was paid through various bank transactions. Not only this, even after the execution of the sale deed on August 31, 2015, since the vendor(s) Gajinder Singh Sodhi s/o Sh. Prithpal Singh Sodhi and Brijinder Sodhi D/o Late Shri Harbhajan Singh who were in possession of the property in suit, subject matter of the above referred sale deed, a lease deed was executed on September 21, 2015 (Annexure P-3) for a period of one year. Subsequently, thereto, the complainant-Sombir Singh Jakhar

came forward with the allegation that vendor(s) Gajinder Singh Sodhi and Brijinder Sodhi have entered into an agreement of sale in respect of the property with them on receipt of amount as an earnest money.

Learned counsel further contends that the said agreement of sale is forged and fabricated document and appears to have been brought into existence by him in connivance with the aforesaid vendor(s) Gajinder Singh Sodhi and Brijinder Sodhi. Moreover, the payment of a sum of Rs.1 crore is alleged to have been made by him in cash which is otherwise against the banking rules and regulations.

Notice of motion for 17.11.2016.

In the meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C. ”

Learned State counsel on instructions from ASI Ajit Kumar submits that in compliance of the order dated September 19, 2016, petitioners have already joined the investigation and are no more required for further interrogation.

In view of the aforesaid facts, order dated September 19, 2016 is made absolute, subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- 1) that the petitioners shall make themselves available for interrogation by a police officer as and when required;*
- 2) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*
- 3) that the petitioners shall not leave India without the previous permission of the Court.*

November 17, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No