

CRM-M-35252-2016 (O&M)

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

Decided on: November 30, 2016.

1) CRM-M-35252-2016 (O&M)

Rajinder Kaur

.. Petitioner(s)

VERSUS

State of Haryana and another

.. Respondent(s)

*** * ***

2) CRM-M-40988-2016 (O&M)

Paramjit Singh

.. Petitioner(s)

VERSUS

State of Haryana and another

.. Respondent(s)

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Ms.Aasha Gill, Advocate,
for the petitioners.**

Mr.C.S.Bakshi, Addl. A.G., Haryana.

**Mr.R.S.Padher, Advocate,
for complainant.**

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M.M.S. BEDI, J. (ORAL)

This order will dispose of the above noted two petitions i.e. CRM-M-35252 of 2016, filed by Rajinder Kaur and CRM-M-40988 of 2016, filed by Paramjit Singh, for the grant of pre-arrest bail in FIR No.230 dated 29.7.016, under Sections 420, 467, 468, 471, 506 and 120-B IPC, registered at Police Station, City Mandi Dabwali, District Sirsa.

The case was registered on the complaint of respondent no.2 Meenakshi Devi alleging that the petitioners connived with each other and Paramjit Singh entered into an agreement of sale with complainant Meenakshi regarding 24 kanals of land and received a sum of Rs.45 lac as earnest money. The allegation, as per the FIR, is that on the date fixed for registration of the sale deed, Paramjit Singh did not execute a sale deed in favour of complainant and kept on dilly dallying the matter for one reason or another but subsequently it was found that he had relinquished the rights in the property in favour of his wife Rajinder Kaur by virtue of a release deed dated 23.7.2015 and also transferred the land in her favour.

Notice was issued to the respondents on 8.11.2016, on the basis of statement made on behalf of petitioner Rajinder Kaur that she would not claim any right, title or interest in the property which is the subject matter of the agreement of sale dated 22.6.2015 and will also not enforce rights on the basis of said agreement of sale.

So far as petitioner Paramjit Singh is concerned,

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there are serious allegations against him of having duped the complainant.

At this stage, counsel for the petitioners seeks permission to withdraw the petition on behalf of petitioner Paramjit Singh.

Petition of petitioner Paramjit Singh is dismissed as withdrawn.

So far as petitioner Rajinder Kaur is concerned, she has made statement that she would not claim any right, title or interest in the property on the basis of agreement of sale dated 22.6.2015, in case it is enforced against Paramjit Singh and the petitioner by the complainant by filing a suit for specific performance or recovery and that she would also not claim any right, title or interest in the property which she has agreed to sell to subsequent purchaser. She has also joined investigation.

In view of said circumstances, the application for pre-arrest bail of Rajinder Kaur is allowed and it is ordered that in case of arrest of petitioner Rajinder Kaur, she will be released on bail to the satisfaction of the arresting officer subject to the following conditions: -

- i) that she will join investigation as and when required;
- ii) that she will, as undertaken, by her will not claim any right, title or interest in the property which is the subject matter of the agreement of sale dated 22.6.2015 or any other agreement

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of sale which she has allegedly executed in favour of third party. She would also not create third party interest in the property which has been transferred to her by her husband Paramjit Singh;

(iii) that she will not tamper with the evidence or hamper investigation, in any manner.

It is made clear that in case petitioner Rajinder Kaur at any stage takes any step to claim right, title or interest in the property which is subject matter of agreement of sale dated 22.6..2015, or any other agreement alleged to have been executed by her, it will be open to the complainant or the State Agency to approach this Court for cancellation of the bail.

The petition of petitioner Paramjit Singh is dismissed whereas the petition of petitioner Rajinder Kaur is allowed.

(M.M.S. BEDI)
JUDGE

November 30, 2016.
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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No