

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No.M-38658 of 2015(O&M)

Date of Decision: April 26, 2016

Smt.Reena Verma wife of Shri Bhim SinghPetitioner

Versus

State of Haryana and anotherRespondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Akshay Jindal, Advocate for the petitioner.

Mr.Vivek Saini, Deputy Advocate General, Haryana.

Mr.JS Bedi, Senior Advocate with
Mr.Gurbir Singh Dhillon, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure seeking concession of pre-arrest bail to the petitioner in case FIR No.599 dated 25.9.2015, under Sections 406/420/467/468/120-B of the Indian Penal Code, registered at Police Station Samalkha, District Panipat.

2. Learned counsel for the parties have been heard.
3. FIR was registered at the instance of Radhey Shyam. Allegations, in a nut-shell, are that the complainant entered into full and final agreement to sell dated 10.3.2015 with co-accused Bhim Singh in respect of land measuring 1000 Sq.Yds. and in spite of the entire sale-consideration of ₹18.71 lacs having been

paid, neither has the possession been delivered nor sale-deed executed.

4. While issuing notice of motion, the following order was passed by this Court on 9.11.2015:

"Counsel for the petitioner submits that the husband of the petitioner being the General Power of Attorney has entered into an agreement with the complainant on 10.03.2015 (Annexure P-2). Possession was accordingly handed over on the receipt of ₹18,71,000/-. The complainant was satisfied and subsequently six months later started harassing the petitioner on account of the price of the property not appreciating and wanting refund of the amount.

The petitioner's husband also served a legal notice dated 19.09.2015 (Annexure P-5) upon the complainant asking him to get the sale deed executed before the lodging of the FIR.

The dispute thus being purely civil in nature, the criminal proceedings launched are only to harass the petitioner being a lady.

Notice of motion for 10.12.2015.

In the meanwhile, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, she shall be released on bail by the arresting officer, subject to the conditions laid down in Section 438(2) Cr.P.C."

5. Learned State counsel would apprise the Court that the

petitioner has since joined investigation.

6. It would be pertinent to take note that the present petitioner is a lady and has been implicated on the basis of being the owner of the land in question. Be that as it may, the agreement was entered into by the complainant with the husband of the petitioner i.e. Bhim Singh, co-accused, and who was acting on the strength of a General Power of Attorney given in his favour. The entrustment of the sale-consideration is also not to the present petitioner but to the General Power of Attorney holder i.e. Bhim Singh, co-accused.

7. It is the case made out by the learned counsel for the petitioner that the petitioner had no dealings with the complainant and as such, cannot be made liable in respect of an agreement that was entered into by her husband i.e. Bhim Singh with the complainant.

8. In view of the above, without making any observations on merits and also in view of the fact that the petitioner has already joined investigation, she is held entitled to the concession of pre-arrest bail.

9. Petition is allowed. Order, dated 9.11.2015, passed by this Court is made absolute.

10. Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

April 26, 2016
SRM