

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

CRM-M No.10670 of 2017
Date of decision: 5th July, 2017

Bhushan Kumar & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sumeet Goel, Advocate for the petitioners.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

Complainant-Bikramjeet Singh in person.

FATEH DEEP SINGH, J.

Learned counsel for the petitioners submits that petitioner No.1 Bhushan Kumar has since been arrested and has been released on regular bail and present petition qua him has become infructuous and thus, he wishes to withdraw the same.

Allowed to do so.

The petition qua petitioner No.1 Bhushan Kumar stands dismissed as withdrawn.

Allegations against the petitioner Renu Bala in this anticipatory bail application under Section 438 Cr.P.C. in case got registered by way of FIR No.20 dated 18.02.2017 under Section 420/34 IPC at Police Station Civil Lines, District Bathinda, are that she along

with her husband non-applicant Bhushan Kumar happen to be the owners of certain properties in District Bathinda and agreed to sell 460 square yards of land to complainant Bikramjeet Singh through agreement to sell dated 10.7.2015 and received a sum of Rs.25.00 lacs through Bank and Rs.5.00 lacs were received in cash and it was agreed that the sale deed was to be executed by 31.7.2016. It subsequently transpired that the property in question was under mortgage with the Bank regarding which earlier at the time of agreement to sell nothing was depicted in the revenue record and subsequently on 22.07.2015 an entry has come about leading to registration of the present case.

Contentions of learned counsel for the petitioner are that the petitioner is a lady, a household wife who has no specific role to play in commission of the offence and her husband, who was instrumental in entering into this agreement to sell, has already been arrested and released on regular bail and that out of the alleged amount, Rs.5.00 lacs has already been returned back by the husband and that nothing is to be recovered from the petitioner Renu Bala.

Though on behalf of the State Mr. H.S. Grewal, Addl. Advocate General, Punjab assisted by complainant Bikramjeet Singh in person have sought to oppose grant of bail on the grounds of fraud and misrepresentation by the petitioner and have sought dismissal of the bail application.

Appreciating the submissions of the two sides, it is apparently a transaction of agreement to sell. The principle “buyer beware” could have enabled the complainant to verify the antecedents of the entry before entering into such agreement to sell. The principal accused has already been arrested and released on regular bail and nothing is to be recovered from the petitioner and thus, sending her behind bars would be a travesty of justice as her joining the investigations would suffice the purpose.

In view of this, in the event of arrest, petitioner No.2 Renu Bala is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). She shall continue to join investigation and shall furnish an undertaking that she shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, she will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

July 5, 2017

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No