

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13986 of 2017 (O&M)

Date of Decision: 02.08.2017

Leelawati

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

Mr. Navneet Singh, Advocate
for applicant-complainant.

SURINDER GUPTA, J.(Oral)

CRM-19151-2017

This is application to implead Babita Kumari wife of Sudama as respondent no. 2.

In view of submission made in the application, which is supported by affidavit, the same is allowed and Babita Kumari is ordered to be impleaded as respondent no. 2 in this petition. Amended memo of parties be taken on record.

CRM-M-13986-2017

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 2 dated 02.01.2017 registered for offences punishable under Sections 420, 467, 468, 471 and 506 of Indian Penal Code (for short 'IPC'), at Police Station Gohana Sadar, District Sonapat.

Heard.

As per case of complainant, Jai Narain was owner of house measuring 143 sq. yards which he sold to one Sunita, who further sold the same to complainant. Allegations against the petitioner are that she vide agreement dated 21.10.2016 had agreed to sell the same house to Shirdutt son of Jageram.

Perusal of copy of agreement, which is on police file, shows that that petitioner had agreed to sell a house measuring 250 sq. yards to Shirdutt while complainant had purchased the house measuring 143 sq. yards. It is a question to be seen by the investigating agency/trial Court as to whether both the properties, which complainant had purchased and petitioner had agreed to sell to Shirdutt are the same and secondly, whether execution of agreement by the petitioner in favour of Shirdutt has resulted in cheating or fraud with complainant. The instant case is based on documentary evidence and custodial interrogation of petitioner is not requires in such cases.

In view of above, I find merits in the instant petition and the same is allowed and order dated 25.04.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

August 02, 2017
jk

(SURINDER GUPTA)
JUDGE

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