

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

(1)

**Crl. Misc. No.M-16488 of 2017 (O&M)
Date of Decision: November 27, 2017**

Reena

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

(2)

Crl. Misc. No.M-22122 of 2017 (O&M)

Ramanpreet Kaur

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Mohunta, Advocate
for the petitioner (s).

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

Mr. Ranvir S. Arya, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.94 dated 28.01.2017 registered for the offences punishable under Sections 406, 420 read with Section 120-B of Indian Penal Code, at Police Station Sadar Karnal, District Karnal.

Heard.

Learned State counsel submits that vide agreement to sell dated 08.07.2011, petitioners received total sale consideration of ₹1 crore 69 lakhs and sold land measuring 67 kanals 12 marlas to the complainant. Possession was also handed over to her. The sale deed in favour of petitioners was under challenge in a suit filed by Baljeet Singh father of Smt. Santosh, who in her capacity as general power of attorney of Baljeet Singh, had executed the same through her special power of attorney Rajesh Kumar. Petitioners have also executed power of attorney, affidavit and Will in favour of complainant and possession of the land was also delivered to the complainant but the same was taken by the husband of the petitioner in the year 2013 on rent, so as to cultivate it. In 2014, petitioners settled the dispute with Baljeet Singh father of Santosh and then sold the land to respondents No.5 to 8 and handed over possession to them.

Learned counsel for the petitioners submits that the land was purchased in the name of petitioners. There was dispute with the owner and to cover up that dispute, Bhag Singh and complainant got prepared documents like power of attorney, Will, affidavit, agreement etc. The entire payment of ₹1 crore 69 lakhs has been shown to have been made in cash and the police has not so far investigated as to what was the source of such huge amount with the complainant. The matter is of civil in nature and the suit for specific performance filed by the complainant is pending in the Court. The petitioners have joined the investigations and their custodial interrogation is not required.

The entire case is based on documentary evidence. It is fact to

be seen by the investigating agency as to how and from which source, huge amount of ₹1 crore 69 lakhs was paid in cash by the complainant to the petitioners and relevance of earlier inquiry report dated 19.09.2016, which appears to have been either ignored or not relied upon, which states that the facts mentioned in the complaint are not correct.

Keeping in view the above facts but without expressing any opinion on the merits of the case, both these petitions are allowed. Order dated 11.05.2017 passed in CRM-M-16488-2017 and order dated 19.06.2017 passed in CRM-M-22122-2017 are made absolute till the presentation of challan, subject to the following terms:-

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

November 27, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No