

CRM-M-29919-2017

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

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Date of Decision: 27.10.2017

Munni Lal and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. U.K.Agnihotri, Advocate,
for the petitioners.

Mr. B.S.Virk, DAG, Haryana.

Mr. H.P.S.Ishar, Advocate,
for the complainant.

INDERJIT SINGH, J.

Short reply by way of affidavit of complainant-Bimla Devi has
filed in Court today. Same is taken on record.

Petitioners-Munni Lal and Ram Chander have filed this petition
under Section 438 of the Code of Criminal Procedure, 1973 (for brevity,
'Cr.P.C.') for grant of anticipatory bail in case FIR No.162 dated
22.05.2017, registered at Police Station Pinjore, under Sections 120-B, 218,
219, 220, 34, 420, 467, 468 and 471 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State
counsel has put in appearance on behalf of the respondent-State and
complainant has also appeared through her counsel. They contested the

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instant petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that a complaint was filed under Section 156(3) Cr.P.C. before the Court which was sent for registration of the FIR. As per the FIR, the dispute is with regard to agreement to sell. In the FIR, it is mentioned that the complainant had paid total sale consideration to the petitioners. But later on, they agreed to re-purchase the same very property for the sale consideration of ₹8,80,000/- and out of which, ₹1,31,000/- were paid to the complainant and remaining amount is still to be paid.

Learned counsel for the complainant stated that the property was already sold before entering into an agreement to sell with the complainant.

Learned counsel for the petitioners stated that the petitioners are still the owners of total property i.e. 1 *bigha* 4 *biswas*.

The case is based on documentary evidence. In pursuance of the interim order dated 18.08.2017 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 18.08.2017, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the

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investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

27.10.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No