

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38023 of 2016

Date of Decision: 30.03.2017

Bicha Ram and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Jaglan, Advocate
for Mr. S.S. Nara, Advocate
for the petitioners.

Ms. Harpreet Kaur, A.A.G. Haryana.

Mr. Arvinder Arora, Advocate for the complainant.

SURINDER GUPTA, J.(Oral)

Present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No. 238 dated 05.10.2016 registered for offences punishable under Sections 406, 420 read with Section 120-B of Indian Penal Code (for short 'IPC'), at Police Station Naraingarh, District Ambala.

Heard.

As per allegation in FIR, complainant executed sale deed no. 1360 dated 17.08.2016 of her land measuring 2 *kanals* 8 *marlas* 6 *sarsai* in favour of Sunita Devi. The sale deed was registered in the office of Sub-Registrar, Naraingarh. At the time of execution of sale deed, complainant was assured that a sum of ₹4 lacs will be paid to her after execution and registration of sale deed but this amount was not paid and the complainant was cheated. Before registration of FIR, parties had compromised the matter and DDR No. 33 dated 20.08.2016 was recorded whereby Jaspal Singh husband of Sunita Devi took responsibility to pay amount of ₹4 lacs to complainant.

However, that amount was never paid and ultimately FIR was registered.

Learned counsel for petitioners submits that Bicha Ram and Jaspal Singh son of Ram Singh are marginal witnesses of the sale deed and are not liable for the transaction between the complainant and vendee or her husband.

Learned counsel for the complainant argues that Bicha Ram and Jaspal Singh have also connived with Sunita Devi and her husband in getting the sale deed executed in their favour without payment of entire sale consideration, as such, they are not entitled to anticipatory bail. He further submits that three other FIRs have been registered against Jaspal Singh son of Ram Singh and one against Bicha Ram.

On giving a careful thought to submissions of learned counsel for petitioners and learned State counsel assisted by learned counsel for the complainant and keeping in view facts and circumstances of the case, I find it to be a fit case to extend the benefit of anticipatory bail to petitioners.

Without expressing any opinion on the merits of the case, this petition is allowed and order dated 15.12.2016 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that 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 petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

March 30, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No