

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43938 of 2016 (O&M)
Date of Decision: 22.02.2017

Harpreet Kaur

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.K.S. Phoolka, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

Mr. Amandeep Chhabra, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.52 dated 18.6.2016 under section 420 I.P.C, registered at Police Station, Phool, District Bathinda.

FIR in question was registered on the complaint of Nek Singh with the allegations that he had entered into an agreement to sell dated 22.7.2015 with the husband of the present petitioner in respect of a plot. Complainant is stated to have paid a sum of Rs.3 lacs as earnest money being the vendee. Allegations are that the sale deed of the plot has not been executed in pursuance to the agreement to sell and rather ownership of the plot has been transferred in the name of the wife i.e. the present petitioner.

The agreement even as per version of the complainant was entered into with the husband namely Raj Singh. Even the entrustment of earnest money is in favour of Raj Singh.

Raj Singh, who would, otherwise, be seen as the main accused has been granted the benefit of anticipatory bail by this Court vide order

carrying even date passed in CRM No. M-22866 of 2016.

It would also be apposite to note that in the case of Raj Singh (supra) a demand draft of Rs.3,70,000/- was being offered to the complainant, who was present in Court but such offer was declined.

Learned State counsel would apprise the Court that the present petitioner in pursuance to the interim protection having been granted has already joined investigation.

Counsel for the complainant does not dispute the fact that the complainant has already initiated civil proceedings inasmuch as a suit for specific performance on the strength of the agreement to sell dated 22.7.2015 already stands instituted.

Under such circumstances, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 8.12.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.02.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No