

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

Crl. Misc. No.M-437 of 2017 (O&M)

Date of Decision: August 25, 2017

Manmohan Bajaj and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhinav Gupta, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Sr. D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No.371 dated 2.12.2016 registered for the offences punishable under Sections 420/406 of IPC at Police Station Tripuri, District Patiala.

Heard.

Learned counsel for petitioners seeks permission to withdraw this petition qua petitioner no.1 Manmohan Bajaj submitting that he has already been arrested and released on bail. Request allowed.

The dispute pertains to the execution of agreement to sell executed on 28.11.2010 (Annexure P3) by both the petitioners in favour of complainant pertaining to plot situated in Dharampura Bazar, Patiala. The complainant has alleged that instead of honouring the agreement, part of the property has been sold vide sale deed dated 24.11.2015 by petitioner no.1.

Learned counsel for petitioners submits that the petitioner no.2

is not denying the agreement and the complainant can avail whatever remedy available to him with regard to that agreement. She has also not executed any sale deed with regard to property which she had agreed to sell to the complainant.

Learned State counsel, on verifying from the police file, has also stated that the sale deed dated 24.11.2015 was executed by petitioner no.1 and not by petitioner no.2.

Learned counsel for complainant pleads no instructions in the matter.

Keeping in view the above but without expressing any opinion on the merits of the case, this petition is allowed and Petitioner No.2 Neeru Bajaj is directed to surrender before the police and join investigation within two weeks. In the event of her arrest being required, she shall be released on interim bail till the presentation of challan, subject to her furnishing bonds to the satisfaction of Arresting Officer. However, she shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which she shall lose the benefit of interim bail allowed to her.

August 25, 2017
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No