

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

1. **CRM-M-14739-2018**

Sarita Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

2. **CRM-M-14952-2018**

Soureya Saini

....Petitioner

Versus

State of Haryana

....Respondent

Date of decision:15.12.2018

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Devender Arya, Advocate
for the petitioner(s).

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
in both cases.

GURVINDER SINGH GILL, J. (ORAL)

This order shall dispose the aforestated two petitions filed on
behalf of petitioners-Sarita Sharma and Soureya Saini seeking grant of
anticipatory bail in respect of FIR No.46 dated 06.02.2017, Police Station

Pinjore, District Panchkula under Section 420 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Radha Krishan who is none else but father of Sarita Sharma and father-in-law of Soureya Saini. It is alleged that the petitioners on the pretext of getting his bank account transferred from P.N.B. Morni branch to P.N.B. H.M.T. branch had obtained his signatures on several documents and had later got his house transferred on the basis of said signatures and had also withdrawn an amount of ₹10,50,000/- from bank through ATM transactions.

Learned counsel for the petitioners has submitted that the alleged transfer of house by the complainant in the name of his daughter Sarita Sharma was in fact by way of a registered sale deed and that immediately when the dispute regarding the same was raised, the said house was transferred by Sarita Sharma in the name of Arun Kumar, who is brother of Sarita Sharma and son of the complainant on 21.01.2016, regarding which a mutation has already been effected. Learned counsel has submitted that Arun Kumar in whose name the said house has been transferred by Sarita Sharma is residing with the complainant and complainant has no objection to the said transfer. It has further been submitted that whatever amount that had been withdrawn from the bank account, the same had either been withdrawn by the complainant or had been withdrawn upon his directions.

On the other hand learned State counsel has submitted that an amount of ₹9,50,000/- is still to be recovered from the petitioner and that

in these circumstances no case for grant of bail is made out.

Having considered rival contentions addressed before this Court and bearing in mind the fact that it is a case of dispute amongst family members and also that the petitioners have joined investigation and have been cooperating ever since they were granted interim bail by this Court in April, 2018 and also bearing in mind the fact that the house in question is stated to have been transferred in the name of son of the complainant, in my opinion, it is not a case where custodial interrogation is warranted. The petitions, as such are accepted and interim directions issued vide order dated 09.04.2018 passed in **CRM-M-14739-2018** and order dated 10.04.2018 passed in **CRM-M-14952-2018** are made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

The petitions are accepted in the above-mentioned terms.

15.12.2018
Gaurav Sorot

**(GURVINDER SINGH GILL)
JUDGE**

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**