

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

Crl. Misc. No. M-38627 of 2016

Date of Decision:- 21.03.2018

Sunita Devi

....Petitioner

vs.

State of Haryana

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Naveen Jaglan, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Arvinder Arora, Advocate,
for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks concession of anticipatory bail in case FIR No. 238 dated 05.10.2016 registered at Police Station Naraingarh, Distt. Ambala, under Sections 406, 420, 120-B IPC.

As per the allegations contained in the FIR, the petitioner has induced the complainant to get a sale deed registered in her favour. The sale deed has been executed by the complainant but the sale consideration was not paid by the petitioner.

Learned counsel for the petitioner has contended that the sale consideration has already been paid to the complainant and that the allegations levelled in the FIR are false. Further, although the sale deed is in the name of the petitioner, but she was not present at the time of its execution and the entire transaction has been conducted by her husband.

Learned State counsel supported by learned counsel for the complainant, however, has drawn my attention to DDR No.33 dated 20.8.2016

wherein it is recorded that the parties have compromised the matter and that amount of ₹ 3,96,750/- would be paid to the complainant by 4:00 p.m. of that day. It is further submitted that the petitioner is the real beneficiary of the sale deed and she has actively participated in the entire transaction. After having admitted that money was due towards the complainant, it does not lie in the mouth of the petitioner to say that the entire sale consideration had been paid earlier.

The evidence available on record indicates that the story put-forth in the FIR is genuine and that the complainant has been duped by the petitioner. Despite time and opportunity being available to the petitioner, the balance sale consideration has not been paid and, therefore, the petitioner does not deserve the concession of anticipatory bail

Accordingly, the petition is dismissed and the Registrar (Judicial) is directed to pay the amount of ₹ 1 lac deposited by the petitioner along with interest upto date to the complainant, on receipt of application along with a certified copy of this order.

March 21, 2018
poonam

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No