

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-49739-2018

Date of Decision: 03.12.2018

Shiv Kali

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

...

Inderjit Singh, J.(Oral)

Petitioner Shiv Kali has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.1044 dated 17.11.2016, registered at Police Station City Ballabgarh, District Faridabad, Haryana under Sections 406, 420, 506 and 120-B of the Indian Penal Code.

Notice of motion was issued.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Perusal of the record shows that the FIR has been registered on the basis of complaint filed by the complainants, which was sent under Section 156(3) Cr.P.C. to the Police Station. The allegations are that accused persons have received full payment of the house, but they are not handing over the possession nor getting the registration done in the name of the complainants and they have usurp their money with malafide intention.

As per the prosecution version, present petitioner Shiv Kali is not the owner of the house and is only a witness to the agreement to sell, being the wife of main accused-Suresh Chand.

In pursuance of the interim order dated 14.11.2018, passed by this Court, the petitioner has already joined the investigation. She is not required for custodial interrogation. Nothing is to be recovered from her. No useful purpose would be served by sending her to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 14.11.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

03.12.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No