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

C.R.M-M No.5528 of 2019 (O&M)

Date of Decision : 6.3.2019

Raghwinder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 438 of the Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.260 dated 24.11.2018 registered under Sections 420, 406 IPC at Police Station Civil Line Batala, District Batala.

The allegations against the petitioner are that she had agreed to sell 2 Kanal of land to the complainant and taken Rs.8 lakhs from him. However on the appointed date the petitioner did not turn up. The complainant made enquiries and he came to know that the land which the petitioner has agreed to sold him was infact already sold to some one else and that is why the allegations under Section 420 alongwith other sections were made out against the petitioner.

The case of the petitioner on the other hand was that she had

actually returned the money because complainant had expressed his inability to purchase the property. Apart from that it was her case that she had more than enough land in her ownership and therefore the complainant could well have filed a suit for specific performance but he has chosen this method to pressurize her. On instructions from ASI Harpal Singh learned DAG has disputed the averment that the petitioner had paid back money. She has however accepted that even now 53 Marlas of land (more than that agreed to be sold) is in the ownership and possession of the petitioner.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. Resultantly, the petition is allowed. In the event of arrest of the petitioners, she will be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 20.3.2019 and on any other date as and when her presence is required.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

6.3 2019
anuradha

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No