

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

CRM-M-24886-2019 (O&M)

Date of decision : 29.11.2019

Nisha Gupta @ Nisha Aggarwal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Puja Chopra, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana
alongwith ASI Umesh Kumar.

Mr. Lekh Raj Sharma, Advocate for respondent No.2.

Mr. Kunal Muthreja, Advocate for respondent Nos.3 and 4.

ANIL KSHETARPAL, J. (ORAL)

Prayer is to cancel the pre-arrest bail granted to respondent Nos.2 to 6 by the Court of Sessions vide order dated 20.04.2019.

Pursuant to the notice, State has filed affidavit in which it has been pointed out as under:-

“7. That besides the above cited case, 5 other cases were also registered regarding this land. The details of those cases are as under:-

a) HUDA Department got registered case FIR No. 474 dated 26-08-2015 U/s 447, 448 IPC, P.S. Central Faridabad for illegally trespassing its land. Deepak Goyal respondent no. 4 & other persons were arrested. That case is pending under trial and is fixed for 28-08-2019 for recording the statements of Prosecution Witnesses.

b) St. Meena got registered case FIR No. 129 dated 27-02-

2017 U/s 406, 420, 467, 468. 471, 120-B IPCA, P.S. Central Faridabad against Praveen and others. In which Smt. Meena started construction over the plot, the HUDA Department stopped the construction and informed her that the land belong to HUDA. During investigation no offence was found to have been committed and cancellation report was prepared which is being sent to the Ld. Area Magistrate, Faridabad through Senior Police Officers.

c) Krishan Gopal Aggarwal got registered FIR No. 918 dated 10-09-2018 U/s 420, 406, 467, 468, 471, 120-B, P.S. Central, Faridabad against Deepak Goyal etc. for selling the Government Land of Khasra No. 10 showing it to be in Khasra No. 17 of village Daulatabad. That case is also pending investigation.

d) Praveen Gupta got registered Case FIR No. 21 dated 08-01-2019 U/s 420, 406, 120-B IPC, P.S. Central Faridabad and it revealed that Harbir, Sukhbir both S/o Nathu Singh and their nephews sold land the petitioner Nisha and five other persons namely Praveen, Deepak, Sanjay, Poonam and Roshni vide registered Sale Deed showing the land to be part of Khasra No. 17 in the Lal Dora of village Daulatabad and gave possession of land Khasra No. 10 which was already acquired by the Haryana Urban Development Authority in the 1969. On the basis of MOD, 26 plots were carved and sold some of the plots. Sukhbir @ Lala and Docpak Goyal respondent no. 4 has since been arrested. The case is still under investigation.

e) That Dinesh purchaser of some plots have got registered case FIR No. 49 dated 24-01-2019 U/s 406, 420 467, 468, 471, 506, 120-B IPC P.S. Central Faridabad against Deepak & Sukhbir for selling the Government Land showing it their land.”

Further pending present petition, Naib Tehsildar of the area was

directed to demarcate the entire land. Petitioner herein alleges that Manish Goyal i.e. respondent No.2 had agreed to purchase the land from the owners comprised in Khasra No.10/6 but thereafter he was instrumental in getting the sale deed registered in favour of the petitioner-Nisha Gupta with respect to land comprised in Khasra No.17, although, in fact the possession of the land was given to the petitioner from land comprised in Khasra No.10/6.

State claims that land actually belongs to Haryana Urban Development Authority after a valid acquisition.

The aforesaid facts have not been noticed by the learned Additional Sessions Judge while deciding prayer for grant of anticipatory bail.

These facts are relevant.

Keeping in view the aforesaid facts, order under challenge is set aside. Learned Additional Sessions Judge is requested to re-consider the application for grant of pre-arrest bail afresh within a period of 15 days.

Needless to observe that learned Additional Sessions Judge would pass an order without being influenced by the previous order passed or prima facie observations made by this Court.

Disposed of, accordingly.

29.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No