

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

CRM-M-34075-2019

Date of decision: September 02, 2019

Urmila and others	Versus	Petitioners
State of Haryana		Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rishi Pal Singh, Advocate
 for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the petition is for grant of anticipatory bail to the petitioners in case FIR No.656 dated 18.6.2019 under Sections 406, 420, 506, 120-B IPC, registered at Police Station Sadar, Karnal.

At the outset, counsel for the petitioners submits that since petitioner No.6-Shubham stands arrested, the petition, qua him, is rendered infructuous and the same is disposed of as such.

Counsel for the petitioners submits that the petitioners have entered into an agreement to sell with the complainant on 2.3.2013 which was followed by another agreement to sell dated 4.6.2013. Counsel for the petitioner also submits that the possession of the same was handed over to the complainant at the time of execution of second agreement on 4.6.2013.

Counsel for the petitioners further submits that thereafter, sale deed was executed on 22.2.2017 and as per the terms and conditions of the sale deed, it was agreed that in case there is any defect over the plot the purchaser well have a right to claim the same against the property of the seller. Counsel for the petitioner, thus, submits that it is purely of civil dispute.

Counsel for the petitioners further submits that FIR has been registered on the basis of demarcation which was done by a private person and not by the revenue officials. He also submits that even the petitioners were not present when the demarcation was done.

Learned State counsel, on instructions from ASI Bhupinder Singh assisted by the counsel for the complainant, submits that since the land available is 93.06 sq. yard instead of 118 sq. yards, therefore, the petitioner is liable to refund the proportionate an amount of Rs. 4.50 lacs.

After hearing counsel for the parties, I deem it appropriate to grant the anticipatory bail to petitioners Nos.1 to 5 and 7.

Accordingly, the petition is disposed of. However, in the event of arrest of petitioners No.1 to 5 and 7, they be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

It will be open to the Investigation Officer to issue notice(s) to the petitioners for joining the investigation as and when required.

September 02, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No