

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

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**CRM-M-43213-2019 (O&M)
Date of Order:30.10.2019**

Nirmala

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lalit Kumar, Advocate,
for the petitioner.
Mr. Vikas Chopra, DAG, Haryana

ANIL KSHETARPAL, J(Oral)

On 14.10.2019, following order was passed:-

“Petitioner prays for grant of pre-arrest bail in FIR No.235 dated 22.07.2019 registered under Sections 406/420/506/34 of the Indian Penal Code at Police Station, Arya Nagar, Rohtak, District Rohtak.

Learned counsel for the petitioner contends that in fact the matter in dispute is of civil nature and initiation of criminal proceedings are abuse of the process of Court. He further relies upon an order dated 17.09.2019 passed in CRM-M-39447-2019.

Notice of motion.

On the asking of Court, Mr.Manish Bansal, DAG, Haryana accepts notice and prays for time to get instructions. Let a copy of the paper-book be supplied to learned State Counsel, during the course of the day.

List on 30.10.2019.

In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner

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.

Learned State counsel, on instructions from ASI Parkash Chand, has submitted that the petitioner in this case has joined the investigation, however, the amount of sale consideration is yet to be recovered from the petitioner.

Taking into consideration the facts of the case, it is yet to be established as to whether the registered sale deed executed by the petitioner is legal and valid or not, which can be proved after parties have led evidence. Still further, criminal prosecution is not primarily for recovery of the amount.

In view thereof, interim order dated 14.10.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

October 30, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No