

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-12023-2020 (O&M)

Date of Decision:09.07.2020

Neelam Vinayak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No.10, dated 04.01.2016, under Sections 420/467/468/471/506 IPC read with Section 120-B IPC, registered at police Station City Yamuna Nagar.

On 07.05.2020, while issuing notice of motion order the following order was passed:

“Matter has been taken up through video conferencing via WhatsApp facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner, who is a lady aged about 68 years, seeks concession of pre-arrest bail in FIR No.10 dated 4.1.2016 registered under Sections 420, 467, 468, 471, 506 I.P.C read with Section 120-B I.P.C at Police Station, City Yamuna Nagar. Counsel representing the petitioner submits that an agreement to sell had been entered into pertaining to a plot, dated 19.11.2012 in which petitioner was reflected as the purchaser. FIR with regard to a fake and forged agreement to sell having been set up is at the instance of

the alleged original owner of the plot. Counsel has argued that a suit for specific performance of the agreement to sell had already been initiated even prior to registration of the FIR. Petitioner has already joined investigation inasmuch as had given her specimen signatures and as per FSL Report the signatures on the agreement to sell have matched.

Mr. Saurabh Mohunta learned DAG, Haryana, who has also joined in this video conferencing facility has opposed the prayer by stating that the signatures in the stamp vendor register have not matched.

Prima facie, this Court is of the view that custodial interrogation under the afore-noticed circumstances would not be necessary.

Notice of motion, returnable for 9.7.2020.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from SI Ramphal apprises the Court that the petitioner has since joined investigation. The observations made by this Court in the notice of motion order dated 07.05.2020 has not met with any rebuttal.

In view of the above, the instant petition is allowed.

Order dated 07.05.2020 is made absolute.

Disposed of.

09.07.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |