

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

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CRM-M-20210-2020

Date of Decision: 10.08.2020.

Ram Raj

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Bhisham Kumar Majoka, Advocate for the petitioner.

Mr. G.S. Dhillon, Assistant Advocate General, Haryana.

Suvir Sehgal, J.

This matter has been taken up for hearing through video conferencing due to Covid-19 pandemic.

Present petition under Section 439 Cr.P.C. has been filed by the petitioner-Ram Raj son of Sita Ram, for grant of regular bail in case FIR No.43 dated 20.02.2020, under Sections 376 (2) (n) and 506 IPC, registered at Police Station Women NIT, Faridabad, District Faridabad.

As per the prosecution version, FIR was registered on the statement of the prosecutrix/ victim, who stated that Ram Raj (present petitioner) was a friend of her husband. After the death of her husband in 1995, she alongwith her two years old son shifted to village Bhanwri, District Partapgarh (U.P.), where the petitioner used to come and they used

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2020.08.13 18:18 to stay together like a married couple. The petitioner used to meet their
I attest to the accuracy and
integrity of this document

maintenance expenses. After three years, the petitioner took the prosecutrix to Dayal Nagar, Faridabad, where they lived for 10 to 15 years. Out of her earnings and savings, the prosecutrix purchased a 50 square yards plot in Titu Colony, Faridabad, which she made livable and started living there with her son but the petitioner started objecting to it and even threatened to kill her. During investigation, the petitioner was arrested on 20.03.2020 and is in custody since then.

Counsel for the petitioner has urged that the petitioner has not committed any offence and the prosecutrix has unauthorisedly occupied his property. He has made a reference to the Agreement to Sell dated 26.11.2013, Annexure P2, complaint, Annexure P3 and the orders, Annexure P4, passed by the Civil Court to argue that the petitioner had instituted a civil suit against the prosecutrix, her son and the vendor to get the possession of the plot.

The petition has been opposed by the State counsel, upon instructions from ASI Suman. He has argued that the allegations against the petitioner are of a very serious nature and therefore, he does not deserve the concession of bail. State counsel points out that the challan was filed on 21.04.2020 and the charges are yet to be framed.

I have heard the counsel for the parties and considered their rival submissions.

A perusal of the agreement to sell dated 26.11.2013 (Annexure P2) shows that the 50 square yards plot was purchased for a consideration of Rs.5,65,000/- which stands paid. The petitioner has failed to show the source and the mode in which the consideration was allegedly paid to the seller. Therefore, at this stage, it is not possible to determine as

to whether the plot was purchased by the petitioner from his own funds or whether it had been funded by the prosecutrix, as has been claimed by her in the complaint. Furthermore, the pendency of the civil suit only shows that the petitioner had filed the suit in September 2019, where under he is claiming possession as well as relief of specific performance of the agreement to sell. The suit is at its preliminary stage and the pleadings are yet to be completed. The pendency of the suit also is of no help to the petitioner because it is yet to be determined as to who has paid the sale consideration for purchase of the plot in question.

The allegations against the petitioner are extremely serious. Considering the gravity of the offence alleged to have been committed by the petitioner, the concession of regular bail cannot be granted to him and the petition accordingly, stands dismissed.

It is clarified that any observation made hereinabove shall not be construed as an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

10.08.2020

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No