202

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(Through video-conferencing)

CRM-M-8308-2020 (O&M)
Date of Decision: 07.10.2021

RADHIKA TANDON AND ANOTHER .....Petitioners
Vs
STATE OF HARYANA AND OTHERS .....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Ramnish Puri, Advocate
for the petitioners.

Mr. Anant Kataria, D.A.G., Haryana.

Mr. O.P. Goyal, Sr. Advocate with
Ms. Urvashi Singh, Advocate
for respondent No.2.

****

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek cancellation of bail of respondents No.2 to 4 under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. in case bearing FIR No.427 dated 13.10.2019 registered under Sections 406, 420, 120-B IPC at Police Station DLF Phase I, Gurugram.

During pendency of the present petition, respondents No.3 and 4 have died in the month of May, 2021 and the petition qua them has rendered infructuous. Ordered accordingly.

Respondent No.2 was granted interim anticipatory bail by the Addl. Sessions Judge, Gurugram vide order dated

MOHMED ATIK
2021.10.08 17:28
I attest to the accuracy and
integrity of this document

27.11.2019. Respondent No.2 was an attesting witness to the agreement to sell. The vendors had agreed to sell the property to the complainant by virtue of said agreement to sell. The civil suit for specific performance is also pending. After grant of interim bail, the same was confirmed vide order dated 04.12.2019 passed by the Addl. Sessions Judge, Gurugram on the basis of statement made by the Investigating Officer that custodial interrogation of respondent No.2 was not required as he had joined the investigation. In view of statement made by the Investigating Officer, the interim order dated 27.11.2019 was made absolute.

Learned counsel for the petitioners submits that the respondent No.2 has inherited the assets and liabilities of respondents No.3 and 4 after their demise and respondent No.2 is the beneficiary of the acts committed by respondents No.3 and 4. Respondent No.2 is also involved in FIR No.16 dated 27.01.2020 registered under Sections 323, 341, 506 IPC at Police Station DLF Phase I, Gurugram. In this manner, respondent No.2 initially got the bail on wrong premise and thereafter misused the concession of bail by involving himself in the subsequent FIR in the context of allegations of giving threats for withdrawal of earlier case.

Notice of motion was issued on 26.02.2020.

In pursuance thereof, the State has filed reply.

MOHMED ATIK
2021.10.08 17:28
I attest to the accuracy and
integrity of this document

Respondent No.2 has also filed reply.

As per reply filed by respondent No.2, he has been admitted to regular bail on filing challan. There is no reference of subsequent FIR No.16 dated 27.01.2020 in the challan, nor was the same adverted to by the State counsel at the time of passing of order dated 02.03.2021 by the Judicial Magistrate Ist Class, Gurugram vide which regular bail was granted to the petitioner.

Reply filed by the State is conspicuously silent about the factum of registration of subsequent FIR No.16 dated 27.01.2020 and status of the same. However, learned State counsel orally submitted before the Court that the said FIR is still pending.

Be that as it may, the subsequent FIR has not been adverted to in the challan and during the course of proceedings before the trial Court when regular bail was granted to respondent No.2.

In view of above, no ground is made out to cancel the bail granted in favour of respondent No.2. This petition is dismissed accordingly.

(RAJ MOHAN SINGH)
JUDGE

October 07, 2021
Atik

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

MOHMED ATIK
2021.10.08 17:28
I attest to the accuracy and
integrity of this document