

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

**CRM-M No.36234 of 2021
Date of Decision: 16.12.2021**

SoniaPetitioner.
Versus
State of HaryanaRespondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Mr. Vikas Saroha, Advocate for
Mr. Nonish Kumar, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.

Apprehending her arrest in the criminal case arising out of the FIR bearing No.322 dated 15.08.2021 registered at Police Station Kunjpura, District Karnal, under Sections 406 & 420 IPC, the petitioner has moved this petition for seeking the relief of anticipatory bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by complainant-Karambir in the subject FIR, are that the petitioner and her husband Ramesh Kumar, along-with one Joginder, approached him and they allured/persuaded him to purchase the land owned by them

(petitioner and her husband) and he agreed to purchase the said land by selling his own land. He and his brother Jagdish entered into an agreement with the petitioner and her husband for the purchase of the land measuring 49 kanals 17 marlas @ Rs.17.70 lacs per acre and paid a sum of Rs.25 lacs, in cash, to them as the earnest money. Then, they had paid an amount of Rs.34,58,810/- to the above-said accused on 21.03.2018 and they had also paid another amount of Rs.88,50,000/- to them (accused) through the bank transaction and in the meantime, these accused executed another agreement to sell in their favour while fraudulently reducing the area of the land to be sold, to 40 kanals. Even thereafter, they kept on dilly-dallying the execution of the sale deed in his (complainant's) and his brother's favour and when asked to refund the above-said total amount of Rs.1,48,88,810/-, these accused threatened him and his brother with dire consequences. Later-on, it was also found out that the said accused had also concealed the factum of their already having mortgaged the said land with Kotak Mohindera Bank for securing the loan.

3. Reply filed on behalf of the respondent-State by way of the affidavit of the Assistant Superintendent of Police, Indri, along-with Annexure R-1, is already available on the file and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel appearing for the complainant) in the present petition and have also perused the file thoroughly.

5. Learned counsel for the petitioner contends that the petitioner is a simple home-maker and she did not play any role in the alleged crime and rather, her husband, who is her co-accused also, had received the above-said amount and thus, she was not a beneficiary of the said transaction and in these circumstances, she deserves the relief as sought in this petition.

6. Per-contra, learned State counsel argues that the petitioner is also the owner of the land agreed to be sold to the complainant and his brother and she has, thus, committed the crime in connivance with her husband and said Joginder Singh and her custodial interrogation would be required to recover the afore-said amount and keeping in view these facts as well as the gravity of the offence committed in this case, the present petition be dismissed.

7. It has categorically been mentioned in Para 2 (ii) of the Reply that before the registration of the said FIR, an inquiry had been conducted by the Economic Crime Wing, Karnal, in respect of the complaint moved by the complainant and during the inquiry, the allegations levelled therein were found to be authentic. In Para 2 (v), it has also been specifically deposed that accused Ramesh Kumar, the husband of the petitioner, has already been arrested in this case and during his interrogation, he has suffered a disclosure statement revealing therein the role of the petitioner in the crime. The petitioner is also alleged to be a signatory to both the said agreements to sell and also the joint owner of the land agreed to be sold vide the same. As per the allegations levelled in the subject FIR, the

complainant and his brother had paid the afore-said amount to the petitioner and her co-accused. In these circumstances, the possibility of the requirement of the custodial interrogation of the petitioner for the recovery of the said amount cannot be ruled out.

Keeping in view all the above-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that she (petitioner) does not deserve the relief of anticipatory bail. Resultantly, the instant petition stands dismissed accordingly.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

16th December, 2021
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*