

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

**CRM-M No.38024 of 2021 (O&M)
Decided on: 10.12.2021**

Yogita Jain

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. T.P.S. Makkar, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Mr. Gaurav Rana, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.190 dated 21.07.2021 under Section 420 IPC, registered at Police Station Haibowal, District Police Commissionerate Ludhiana.

The operative part of the order dated 28.09.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“.... Learned counsel for the petitioner submits that FIR has been registered on a complaint given by complainant Ashok Kumar with the allegations that petitioner Yogita Jain, her husband Bobby Jain and one Baljit Singh had committed a fraud of Rs.15.00 lacs, as the petitioner has offered to sell her house vide agreement to sell dated 15.05.2019 and received Rs.3.00 lacs as earnest money and later on, received Rs.17.52 lacs. It is further stated in the FIR that title of the property was not clear, as there was outstanding loan from Capital First Bank, Ludhiana to the tune of Rs.2.72 lacs, which is not cleared, therefore, the petitioner is not in a position to execute the sale deed, though the possession was handed over to complainant Ashok Kumar. It is also stated that the house is in dilapidated condition and this fact was not brought to

notice of the complainant.

Learned counsel for the petitioner has further submitted that the civil suit was filed on 09.03.2020 praying for a decree of specific performance on the basis of agreement to sell, which is still pending and after two months, on 29.05.2020, a complaint was given to the police for registration of FIR and the inquiry remained pending for considerable long time and the FIR was registered on 21.07.2021. It is also submitted that the complainant still have to make a payment of Rs.2.78 lacs and on receiving the same, the petitioner will get cleared the loan amount from Capital First Bank, Ludhiana and will execute the sale deed.

Notice of motion....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 28.09.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation. Counsel for the petitioner has further submitted that the loan account has been settled and he has placed on record the No Due Certificate issued by the IDFC First Bank.

Counsel for the State, on instructions from ASI Davinder Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 28.09.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

10.12.2021
yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No