

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

CRM-M-10760-2022 (O&M)

Date of decision: 14.03.2022

Sarwan Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Punit Malik, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 06 dated 05.01.2021, registered under Sections 406, 420, 120-B IPC, at Police Station Shivaji Nagar, District Gurugram.

Learned counsel for the petitioner submits that the petitioner is a lady of 62 years of age; that after the death of her husband, when her relative wanted to grab her property, she lodged an FIR in the year 2009; that she had got the property from her maternal side; that out of her four sons, three have already passed away; that co-accused Neeraj, son of the petitioner, is a person of criminal nature and he has withdrawn the money from the bank and that her son-Neeraj has thrown her out and she is now living in a temple.

Notice of motion.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl.

A.G. Haryana, accepts notice on behalf of the respondent-State.

Mr. Vimal Kumar Gupta, Advocate, appears and files

vakalatnama on behalf of the complainant. The vakalatnama is taken on

record.

He points out that the petitioner and her son approached the complainant to sell their property situated within the revenue limits of Gurgaon; that the agreement to sell was executed on 10.04.2018 in favour of the complainant, which was duly signed by Neeraj, son of the petitioner; that an amount of Rs. 25 lakh by way of cheque was given by the complainant; that the stipulated date for registration of the sale deed was 22.10.2018, but later on, the complainant came to know that there are tenants in the shops; that the petitioner and her son assured the complainant that they would vacate the same but the complainant had to pay Rs. 10 lakh to each tenant; that at the time of registration of the sale deed, the complainant came to know that the petitioner and her son had sold the land to someone in the year 2010 and that on 22.10.2018, the complainant went to the Tehsil Office and marked himself present.

I have heard the learned counsel for the parties.

There are specific allegations against the petitioner and her son that in collusion with each other, they had cheated the complainant for Rs. 25 lakh.

Considering the very nature of the allegations contained in the FIR, the custodial interrogation of the petitioner is a must. Hence, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

14.03.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No