

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

CRM-M-14018-2020 (O&M)

Date of decision: 28.10.2022

Sheela Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. M.K. Pundir, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Though the present petition, the petitioner prays for an anticipatory bail under Section 438 of Cr.P.C. in FIR No.60 dated 09.03.2020, under Sections 406, 420 and 506 of IPC, registered at Police Station Babain, District Kurukshetra.

Learned counsel for the petitioner submits that after taking permission from the Court to sell the land (3 acre) of her minor son, namely, Ram Singh @ Digvijay (minor), the complainant sold the land to co-accused Rukmani vide a registered sale deed dated 27.05.2016; that because of some family dispute, again an agreement to sell was executed between Rukmani and the complainant on 20.09.2016, which depicts the photographs of Rukmani as well as the complainant and an amount of Rs. 20 lakh was received by Rukmani as an earnest money; that it was the complainant, who did not turn up on the date fixed for execution of sale deed in the office of Sub-Registrar; that as Rukmani was not allowed by the family members of the complainant to enter into the possession of land as she belongs to different village, therefore, being having no choice, Rukmani sold 2 acres of land @

Rs. 25 lakh per acre to the petitioner and received the amount in her bank account and that the petitioner and her son Pawan Kumar are related to the complainant being their family members. The petitioner has purchased the land from co-accused Rukmani not from the complainant.

Vide order dated 16.06.2020, the petitioner was granted *ad interim* anticipatory bail with a direction to join the investigation.

Learned counsel for the petitioner submits that pursuant to the aforesaid order dated 16.06.2020, the petitioner has joined the investigation.

Learned State counsel submits that the petitioner in connivance with other co-accused had caused a loss of amount of Rs. 20 lakh to the complainant by playing fraud and though the petitioner has joined the investigation yet she is not cooperating in the investigation.

I have heard the learned counsel for the parties and have also gone through the paper-book.

Undisputedly initially, the complainant after taking permission from the Court sold the land in the name of her minor son to Rukmani by executing a sale deed, duly registered by the Deputy/Joint Registrar, Ladwa, and the amount was transferred in the account of the complainant and there is a delay of 3 years in lodging the FIR.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 16.06.2020 granting *ad interim* anticipatory bail to the petitioner is made absolute, subject to the conditions envisaged in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)

JUDGE

28.10.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No