

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23540-2022 (O&M)
Date of decision: 01.06.2022

Guddi Devi and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Singh, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-20850-2022

For the reasons stated in the application, same is allowed and written statement on behalf of defendant No.4 dated 07.03.2022 filed in the civil suit is taken on record as Annexure P-3. Exemption sought is granted.

CRM stands disposed of.

CRM-M-23540-2022

Prayer in this petition is for grant of anticipatory bail in FIR No.108 dated 06.05.2022 under Sections 506, 34 IPC and Sections 3(1)(s) & 3(1)(r) of SC&ST Act, registered at Police Station City Safidon, District Jind.

Learned counsel for the petitioners submits that as per allegations

in the FIR, the complainant entered into an agreement to sell of full and final payment with the accused persons i.e. petitioner No.1 Guddi Devi and her husband/petitioner No.2 Pawan Kumar @ Bablu. It is further stated in the FIR that the amount has been given through RTGS and on 11.02.2022, when the complainant went to Tehsil Office, Safidon along with his friends, he noticed that petitioner No.1 Guddi Devi was coming from the main gate of the Court and on his asking, she stated that she is going to sell the same land and threatened to kill him. It is thus prayed by the complainant that action be taken in this regard, as the accused are trying to cheat him and commit forgery and even are trying to extort money from him by using caste related words and threatening to kill.

Learned counsel has argued that in the FIR, there is no mention of any date, time or place, when the caste related words were used against the complainant. It is further submitted that in the suit filed by the complainant seeking possession by way of specific performance of agreement to sell, petitioner No.2 Pawan Kumar @ Bablu had already filed a written statement. As per written statement, nothing has come on record that any such attempt was made for selling the land, as the petitioners are defending the suit in accordance with law by filing the written statement. It is also submitted that nothing has come on record that the petitioners had any talk with any third person with regard to sell of said land, as alleged in the FIR.

Learned State counsel has filed the custody certificate in the Court today and has not disputed the factual position, as submitted by learned counsel for the petitioners that in the FIR, no date, time or place is mentioned, when the

caste related words were used.

After hearing learned counsel for the parties, without commenting anything on merits of the case and going through the contents of the FIR as well as pleadings before the Civil Court, it is apparent that it is a civil dispute going on between the parties before the Civil Court regarding possession by way of specific performance of agreement to sell and FIR seems to have been registered just to put pressure on the accused persons, who are defendants in the said suit, this petition is allowed and the petitioners are granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

01.06.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No