

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

(Heard through VC)

CRM-M-48455 of 2018 (O&M)
Date of Decision: January 24, 2022

Nisha Rani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Jattan, Advocate
for the petitioner.

Mr. Vishal Malik, DAG Haryana.

Mr. S.S. Dinarpur, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.988 dated 10.10.2018, under Sections 420, 415 of the Indian Penal Code, registered at Police Station City Thanesar, District Kurukshetra.

Learned counsel appearing on behalf of the petitioner has submitted that the genesis of the dispute arises around an agreement to sell, which was executed between the petitioner and the complainant, however, because of a civil litigation pending in civil court wherein, there is stay against the said property, the sale deed could not be executed. Counsel for the petitioner would submit that in terms of the order dated 31.10.2018 passed by this court, she has given an amount of Rs.11 lacs, which stood received by the complainant herein. She has also joined the investigation and would be ready to execute the sale deed, in case, stay in the civil court

stands vacated.

Per contra, learned counsel appearing on behalf of the complainant would submit that though an amount of Rs.11 lacs has been received by him, however, there are encumbrances on the land in question, which have been created by the petitioner herein and would also submit that the balance amount is yet to be recovered, in terms of the agreement to sell.

Learned State counsel, on instructions from ASI Gulzar Singh, submits that the petitioner has joined the investigation.

I have heard learned counsel for the parties and in view of the fact that a substantial amount of amount Rs.11 lacs has been received by the complainant and the matter regarding the land in question is *sub-judice* in the civil court, this court deem it appropriate to confirm the order dated 31.10.2018 granting interim bail to the petitioner. Accordingly, since the petitioner has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 31.10.2018 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

Needless to say, anything observed by this court herein above is only for the purpose of deciding the instant petition and the same shall not affect the merits of the case pending *inter se* the parties.

January 24, 2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No