

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

205 (I)

CRM-M-13663-2022 (O&M)

Date of decision: 21.08.2023

Meena Kumari and Others

....Petitioners

**Versus**

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Sunil Chadha, Sr. Advocate with  
Ms. Kashish Aggarwal, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Rakesh Nehra, Sr. Advocate with  
Mr. Ankit Yadav, Advocate for the complainant-respondent No.2

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**AMAN CHAUDHARY. J.**

1. Learned Senior counsel for the petitioners prays for withdrawal of the instant petition qua petitioner No.2-Sandeep Kumar as he has passed away during the pendency of the present petition.
2. Ordered accordingly.
3. On 01.04.2022, this Court had passed the following order:-

“The instant petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.159 dated 22.12.2021 under Sections 452, 447, 379-B, 380, 506 and 120-B of IPC and Section 25 and 27 of the Arms Act registered at Police Naya Gaon, District S.A.S. Nagar, Mohali.

Learned counsel appearing on behalf of the petitioners inter alia contends that the dispute in question pertains to a plot measuring 6 marlas situated in Hadbast No.352 village Karora, Tehsil Kharar, District S.A.S. Nagar Mohali. It is contended that an agreement to sell dated 05.01.2021 (Annexure P-2) was executed by the petitioner No.3 with the owner namely Vinod Singh Bisht, whereby the said property was agreed to be sold for a sum of Rs.94,00,000/-. An amount of Rs.30,00,000/-is

stated to have given as EMD in the form of the two cheques. The deal in question is claimed to have negotiated through Jatinder Nain and his father Satyanarayan, who acted as the property dealers. The complainant Ravinder Kumar is brother of aforesaid Jatinder Nain and son of Satyanarayan. It is pointed that after the execution of the agreement to sell, the brother of the complainant Ravinder Kumar namely Jatinder Nain and his father Satyanarayan obtained the agreement to sell from the petitioners on a premise that inadvertently wrong cheque numbers have been mentioned and that the same would be returned after due correction. The sale deed was to be executed on or before 05.04.2021. However, with a view to deceive the petitioners, the aforementioned Jatinder Nain and his father Satyanarayan connived with Smt. Kitabo Devi-mother of Jatinder Nain and entered into a fresh agreement to sell dated 04.02.2021 for the agreed sale consideration of Rs.94,00,000/- only with owner Vinod Singh Bisht. An amount of Rs.50,00,000/- is stated to have been paid by Smt. Kitabo Devi to the owner. The sum of Rs.30,00,000/- advanced by the petitioners in their agreement to sell dated 05.01.2021 was also made as a part of the earnest money paid to the owner. When the aforesaid fact came to the notice of the petitioners, a complaint in this regard was submitted. On coming to know of the same, a compromise was executed by Jatinder Nain and Satyanarayan, acting as power of attorney on behalf of Smt. Kitabo Devi, in whose favour a sale deed had already been executed till then. In furtherance of the said compromise, an agreement to sell was executed by Smt. Kitabo Devi in favour of the petitioners on 26.07.2021 (Annexure P-7) and the balance sale consideration of Rs.64,00,000/- was also handed over to Smt. Kitabo Devi by the petitioners. Possession of the premises was also handed over to the petitioners by Smt. Kitabo Devi (mother of complainant Ravinder Kumar). Learned Sr. Counsel further argues that despite having received the entire sale consideration, the sale deed in question was not executed and the respondent started interfering in the possession of the petitioners as a result whereof a civil suit dated 28.10.2021 (Annexure P-9) seeking specific performance of the agreement to sell dated 26.07.2021 has already been filed. It is also pointed out that as the complaint dated 17.03.2021 had already been submitted by the petitioners prior to the settlement amongst the parties, an FIR 131 dated 14.10.2021 (Annexure P-8) came to be registered against Smt. Kitabo Devi; Satyanarayan and their son Jatinder Nain at Police Station Naya Gaon, District S.A.S. Nagar, Mohali. With a view to exert pressure upon the petitioners and as a counter-blast to the aforesaid FIR, the respondents have got the present FIR registered against the petitioners by concealing the true genesis and the entire background.

Notice of motion for 04.07.2022.

Ms. A.K. Khurana, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent/State and submits that an SIT has already been constituted on 29.03.2022, which is headed by an officer of an IPS rank to look into the allegations.

Mr. Raj Kumar Chandna. Advocate has put in appearance on behalf of the complainant and submits that the petitioners have taken forcible possession of the house in question and that his belonging and as that of the tenant including ornaments and other valuables were lying in the premises. The petitioners have violated the order of status quo granted by the Civil Court and have attempted to take forcible possession of the premises in question.

It is thus not disputed by the counsel for the respondent that the civil suit under Specific Relief Act is pending before the court. The remedy against the violation of a Court order does not warrant the registration of a fresh criminal case.

In the meantime, the petitioners are directed to join investigation as and when so required by the Investigating Agency. In the event of petitioners joining investigation, they will be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners will also abide by the conditions as specified under Section 438 (2) Cr.P.C.

4. Learned counsel submits that in pursuance of the afore-mentioned order, petitioner Nos.1 and 3 have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires them to appear, they shall make themselves available without demur.

5. Learned State counsel on instructions affirms the factum of joining the investigation by petitioner Nos.1 and 3 and cooperating with the investigating agency. He also submits that at this stage, the petitioner Nos.1 and 3 are not required for further custodial interrogation.

6. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by petitioner Nos.1 and 3 is allowed and the order dated 01.04.2022 granting interim bail to them, is hereby

made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

7. However, it is made clear that if petitioner Nos.1 and 3 fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

(AMAN CHAUDHARY)  
JUDGE

August 21, 2023  
M.Kamra

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |