

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16877 of 2023 (O&M)

Date of decision: 1st May, 2023

Indu Parmar & another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Praveen Chauhan, Advocate for
Mr. Lalit K. Yadav, Advocate for the petitioners.

Mr. Chetan Sharma, Assistant Advocate General, Haryana
for the respondent/State.

Mr. S.K. Bhardwaj, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case bearing FIR No.0779 dated 15.12.2022 under Sections 406, 420 IPC registered at Police Station Sadar Bhiwani, District Bhiwani.

Vide order dated 06.04.2023, a Coordinate Bench of this Court had directed the petitioners to join investigation and cooperate with the investigating agency.

Learned State counsel, on instructions from SI Raja Ram, has apprised the Court that the petitioners though have joined investigation but they have failed to cooperate with the investigating agency as they have not come clean with respect to the cheating

committed by them with the complainant. Learned State counsel assisted by the learned counsel representing the complainant has submitted that the petitioners had induced the complainant to purchase a flat under the BPL category for a sum of ₹ 12.00 lacs. He further submits that as per the terms and conditions of the allotment letter of BPL, the said flat could not have been sold by any person for the next five years. Learned State counsel has also submitted that the petitioners in fact have been taking contradictory stands, as on the one hand they say that they have no concern with the alleged offences and in the same breath they submit that money in the sum of ₹ 8.00 lacs has been given to the co-accused Sanjeev in cash.

Learned counsel for the complainant has also controverted the submissions made by the counsel opposite that the money has been returned to the complainant. He submits that no amount of money stands returned to him.

Learned State counsel has prayed for dismissal of the instant petition as the custodial interrogation of the petitioners is required by the investigating agency.

Learned counsel for the petitioners has on the other hand has reiterated that a false and fabricated case has been planted upon them and in fact, the dispute if any, between the parties is essentially of civil nature, which fact has again been controverted by the learned State counsel.

I have heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove, particularly in the wake of allegations levelled, this Court is not inclined to extend the concession of bail to the petitioner. The petition as such stands dismissed.

However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 1, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No