

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-28288-2023

Date of decision: 03.10.2023

Santosh

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Gagan Bajaj, Advocate, for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

On 01.06.2023, the following order was passed by this Court:-

The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.209, dated 28.03.2023, under Sections 419, 420, 447 and 34 of IPC, 1860, registered at Police Station Shivaji Colony, Rohtak, District Rohtak.

Learned counsel for the petitioner contends that there is an unexplained delay of 18 years from the date of death of husband of complainant and it is urged that she is not the beneficiary in any manner whatsoever, but has signed the agreement to sell qua the plot in question merely as a witness in all the three agreements even, if the contents of FIR are taken to be correct for the sake of arguments.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana, accepts notice on behalf of respondent-State, who submits that the petitioner has impersonated as wife of Rajpal, but actually name of her husband is Dharamveer and has derived undue advantage out of the sale considerations arising out of those three

agreements to sell from the same plot bearing No.60/24/31 and is now demanding a sum of Rs.3 lacs from the complainant to release the possession over the plot.

Looking into the totality of facts, this Court could not believe the version, as narrated in the FIR prima facie, wherein on the one hand, the complainant is asserting that a demand of Rs.3 lacs is being made for handing over the possession of the plot, which actually is not with the petitioner, in the light of allegation that three transactions subsequently have already taken place qua said plot for sale and against that substantial amount has been collected by the petitioner.

At this stage, in the light of the facts, which are not supported by any documentary evidence or scientific investigation, the petitioner cannot be alleged to have involved in the commissioning of offence, particularly, wherein on the agreement to sell, it is apparent that she has signed as a witness alone and is the real sister of complainant.

Be that as it may, the petitioner is directed to be released on interim bail in case She joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 02.10.2023”

It is informed by learned State Counsel that in compliance of the order dated 01.06.2023, petitioner has since joined the investigation and she is no longer required for any investigation.

In view of the afore-said statement, order dated 01.06.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

(DEEPAK GUPTA)
JUDGE

October 03, 2023
vcgarg

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