

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:109283
CRM-M-28538-2023
Date of Decision: August 22, 2023

Mana Devi and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aayush Gupta, Advocate for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

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

Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.335, dated 11.05.2023, registered at Police Station Azad Nagar, Hisar, District Hisar, under Sections 406, 420 and 506 of IPC.

As per the allegations in the FIR, petitioner No.1 Mana Devi was the owner of the house in dispute, which she sold to complainant Sunita for sale consideration of ₹15,00,000/- vide agreement dated 18.09.2020. However, the sale deed was not executed on that date as Registry was not open. It is alleged that despite selling the house, petitioner Mana Devi obtained loan from the ICICI Bank by mortgaging the house.

Contention of learned counsel for the petitioner is that as far as petitioner No.2 Mohinder Singh is concerned, he is not in the picture and he is being roped in because he happens to be the husband of petitioner No.1 Mana Devi. Regarding Petitioner No.1 Mana Devi, it is contended that in fact an earlier agreement dated 06.08.2019 had been executed between petitioner No.1 Mana Devi and complainant Sunita and at that time only an amount of ₹3,00,000/- was paid as earnest money. The complainant could not arrange rest of the amount and so she applied for loan, but due to poor cibil score she could not get the loan. Complainant then requested petitioner No.1 to take the loan on the property with the undertaking that she will pay the installments.

Notice of motion.

Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

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The case is dependent upon the documentary evidence. Petitioner No.2 Mohinder Singh is nowhere in the picture. In the FIR, there is no reference of the prior agreement dated 06.08.2019 (Annexure P-3).

Having regard to the aforesaid facts and circumstances, both the petitioners are granted interim bail till the next date of hearing only.

In the meantime, they are directed to join investigation and co-operate in the same. They will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioners, they shall be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 22.08.2023 for filing status report.”

Status report by way of affidavit of Shri Vinod Shankar, Deputy Superintendent of Police, Headquarter, Hisar has been filed on behalf of respondent-State.

Statement is made by learned State counsel that in compliance of the aforesaid order dated 01.06.2023, the petitioners have already joined the investigation. However, learned State counsel opposes the bail petition submitting that petitioners after executing agreement to sell, had taken loan. It is conceded by learned State counsel that the case is dependent upon documentary evidence and it shall be the matter of trial as regards to the involvement of the petitioners in the crime.

Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the aforesaid order dated 01.06.2023 is hereby made absolute.

Disposed of.

August 22, 2023

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable:

Yes/No