

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31733 of 2022(O&M)
Date of Decision: 17.03.2023

Vijaya Rajagopala

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Namish Sodhi, Advocate and
Mr. Kunal Malhotra, Advocate
For the petitioner.**

Mr. Naveen Kumar Sheoran, DAG Haryana.

**Mr. Baljeet Beniwal, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 257 dated 01.09.2021, registered under Sections 406, 420 and 120-B IPC at Police Station NIT, Faridabad, District Faridabad.

The allegations in nutshell are that one Asha Jain executed power of attorney in the name of Ashok Chawla (since deceased) authorizing him to sell the plot owned by her. Then said Ashok Chawla executed one agreement to sell the said plot with Vijay Pal. Thereafter, Vijay Pal entered into an agreement to sell dated 09.12.2014 with Lalit (nephew of complainant) and the deal was struck for 1,66,50,333/- and subsequently payments were made on different occasions to said Vijay Pal and Ashok Chawla and in this manner Ashok Chawla received an amount of

Rs.1,30,00,000/- from the complainant and his nephew but Vijay Pal and Ashok Chawla failed to execute any sale deed in favour of the complainant or his nephew. With regard to receipt of aforesaid amount Ashok Chawla also gave one affidavit to the complainant. During investigation of this case, it was found that even the present petitioner received Rs.20,00,000/- from the complainant out of which amount of Rs.13,00,000/- was received by her through bank transactions.

The counsel for the petitioner, *inter alia*, submits that the petitioner is a lady aged about 65 years and is not named in the FIR. The counsel for the petitioner further submits that the petitioner has been falsely implicated in the present case and main accused Ashok Chawla who received the entire amount has died. The counsel for the petitioner further submits that the petitioner was granted interim bail subject to deposit of Rs.12,50,000/- with the Registry of this Court. The counsel for the petitioner further submits that the petitioner has complied with the aforesaid order and receipt regarding deposit of amount of Rs.12,50,000/- has been placed on record. So prayer is made that present petition be allowed.

The petition is contested by the counsel for the complainant who submits that in all the petitioner received Rs.20,00,000/- out of which she has deposited just Rs.12,50,000/- and the remaining amount is yet to be recovered.

The State counsel, on instructions from SI Karan Singh, submits that the petitioner has joined the investigation with the police and she has also deposited Rs.12,50,000/- in compliance of the previous order of interim bail passed by the Co-ordinate Bench of this Court. The State

counsel further submits that the petitioner is not required by the police for any further investigation.

I have considered the submissions made by counsel for the parties.

Admittedly, the petitioner was not named in the FIR. As per the status report filed by way of affidavit of Davinder Kumar, Assistant Commissioner of Police, EOW Faridabad, in all petitioner received Rs.20,00,000/- out of which Rs.13,00,000/- were paid to her through bank transactions while another amount of Rs.7,00,000/- was received by her in cash. The petitioner has already deposited an amount of Rs.12,50,000/- with the Registry of this Court against proper receipt, which is available on record. Till date no document is available with the police to show that another amount of Rs.7,00,000/- was also received by the petitioner from the complainant in cash. Further, the petitioner has joined the investigation and is not required for further investigation by the police.

In view of the above, no purpose is going to be served by subjecting the petitioner to custodial interrogation, at this stage.

Thus, without commenting on the merits of the case present petition is allowed and order of interim bail dated 17.08.2022 is hereby made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

17.03.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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