

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-30083-2023

Date of Decision:06.11.2023

Sneh Lata and Another

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

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

Mr. Parveen Kumar Aggarwal, DAG, Haryana
assisted by SHO/Insp. Gaurav.

Mr. Arvinder Arora, Advocate
for the complainant.

DEEPAK GUPTA, J.(ORAL)

On 09.06.2023, following order was passed:

“CRM-26320-2023

1. Allowed, as prayed for.

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2. Through the instant petition, as filed under Section 438 Cr.P.C., the petitioners have sought the grant of anticipatory bail, in case FIR No.250 dated 12.05.2023, under Sections 406, 420 and 504 of IPC, registered at Police Station Naraingarh, District Ambala.

3. The allegations, as levelled against the petitioners, are that they executed a sale deed on 29.07.2013, in favour of the complainant, however, prior thereto, a family settlement had taken place between the petitioners and their other family members on 18.06.1996. A dispute arose with regard to the said family settlement, which led to filing of a civil suit by one Mam Chand and one Ashok Kumar, on 04.05.2013. The complainant alleged that the petitioners neither disclosed the factum of family settlement (supra), nor the factum of filing of civil suit (supra), which has consequently converted

the sold property into the subject matter of dispute and therefore, the complainant has been deceived by such non-disclosures.

4. *The learned counsel for the petitioners submits that though the civil suit (supra) was filed on 04.05.2013, however, they received the summons on 24.08.2013. He also draws attention of this Court towards the written statement filed by the petitioners to the civil suit (supra), wherein, the following submissions have been made:-*

“That the plaintiffs have concealed the true and material facts before this Hon’ble Court and as such, the present suit may kindly be dismissed on this score alone. As a matter of fact, all the parties of the suit are in exclusive possession of the suit land as per family settlement dated 18.06.1996. It is the plaintiffs and defendants No.4 to 6, who has not fulfilled all the terms and conditions of family settlement dated 18.06.1996.”

5. *By placing reliance upon the written statement (supra), the learned counsel for the petitioners further submits that in the family settlement (supra), the petitioners got the share, as per their entitlement, and accordingly, they had executed the sale deed in question. There is no dishonest intention on the part of the petitioners. Above all, the complainant has also filed a civil suit against Mam Chand and Ashok Kumar, which is attached as Annexure P-7 to the instant writ petition, claiming therein entitlement in pursuance of the sale deed in question. A civil dispute has been camouflaged as a criminal litigation, just to cause unnecessary harassment.*

6. *Notice of motion for 12.07.2023.*

7. *Mr. Parveen Kumar Aggarwal, Deputy Advocate General, Haryana accepts notice on behalf of State.*

8. *In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing respective bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.*

9. *The learned State Counsel is directed to file a reply, detailing therein the exact role of the petitioners along with the details of pending FIRs, if any, on or before the next date of hearing.”*

Today, Learned State counsel, on instructions from SHO/Insp. Gaurav specifically submits that petitioners have since joined the investigation and are not required for custodial interrogation.

However, learned counsel for the complainant has strongly opposed the bail petition by submitting that prima facie fraud has been committed by the petitioner.

Case is dependent upon the documentary evidence. Trial is yet to take place.

As per the categorical stand taken by the respondent- State, petitioners have already joined the investigation and are no longer required for any custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 09.06.2023 is hereby made absolute, whereby petitioners were granted interim anticipatory bail in case FIR No.250 dated 12.05.2023 registered under Sections 406, 420 & 504 of the IPC registered at Police Station Naraingarh, District Ambala.

However, the petitioners shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

(DEEPAK GUPTA)
JUDGE

November 06, 2023
Neetika Tuteja