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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33244-2023
Date of decision: 29.09.2023

SHARMILA AND ANR.

...Petitioners

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S. K. Yadav, Advocate
for the petitioners.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioners in FIR No.208 dated 04.07.2023, under Sections 406, 420, 506 and 34 of the IPC, registered at Police Station City Mahendergarh, District Mahendergarh, Haryana.

2. Learned counsel for the petitioners has submitted that it is a case where the allegations against the petitioners were that they had executed an agreement to sell with the complainant for selling of a land for a total sale consideration of Rs.63,46,000/- and thereupon part payment was received by the petitioners to the extent of Rs.33,20,000/-. He further submitted that the petitioners were always ready and willing to receive the remaining amount so

that the sale deed could be executed but the complainant was not ready to pay the remaining amount and has backed out from the agreement. He also submitted that thereafter in terms of the agreement to sell, the agreement to sell itself was cancelled on 08.06.2023. He further submitted that in this way, the entire subject matter of the present case is purely of civil nature and regarding which at the most, there could be a civil remedy but the complainant has till date not filed any civil suit to the knowledge of the petitioners. He further submitted that the petitioners in pursuance of the order passed by this Court on 14.07.2023 have already joined the investigation and have cooperated fully with the investigation process and therefore the order dated 14.07.2023 may be confirmed.

On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has submitted that it is correct that in pursuance of order dated 14.07.2023 passed by this Court as aforesaid, the petitioners have already joined the investigation. He has however opposed the confirmation of anticipatory bail to the petitioners on the ground that the amount which the petitioners have received is yet to be recovered.

I have heard the learned counsel for the parties.

According to learned counsel for the petitioners as well as learned State counsel, the petitioners have already joined the investigation in pursuance of the order passed by this Court on 14.07.2023. In the nature of the allegations against the petitioners, the objection taken by the learned State counsel that money is yet to be recovered from the petitioners is not sustainable. It is a settled law that in such like cases, the police cannot become recovery agents

and mere ground for recovery of money is not a good ground for denial of anticipatory bail to an accused.

Therefore, this Court is of the view that the present petition deserves to be allowed.

Consequently, the present petition is allowed and the order dated 14.07.2023, is hereby made absolute.

29.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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