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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38980-2020 (O&M)

Date of Decision: 11.09.2023

REENA AND ANR

.. Petitioners

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagjeet Beniwal, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. S.S. Antal, Advocate
for the complainant.

...

MAHABIR SINGH SINDHU, J.

1. Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioners in FIR No.325 dated 24.12.2019, under Sections 406, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, 1860, registered at Police Station Uchana, District Jind, Haryana.

2. Above FIR was registered on the basis of statement made by complainant Jagdeep Singh with the allegations that co-accused Ved Parkash in connivance with all the petitioners cheated him.

3. This Court, vide order dated 25.11.2020 granted interim bail to petitioners and the same reads as under:-

“The FIR in question was lodged at the instance of Jagdish wherein he alleged that he had entered into an agreement with one Ved Parkash for purchasing land measuring 44 kanals and 6 marlas and in respect of which he initially paid an earnest amount of ₹22 lakhs through cheque

and another ₹2 lakhs through cash. It is further alleged that subsequently another amount of ₹26 lakhs was paid through cheques but despite having received the aforesaid amount of 50 lakhs, the aforesaid Ved Parkash executed sale deed in favour of one Vakil Chand.

Learned counsel for the petitioner has submitted that the petitioners have been implicated in the present case being the wife and father of Vakil Chand as some of the cheques in question regarding purchase of land had been issued from the Bank accounts of petitioner Reena who is wife of Vakil Chand and Inder Singh who is father of Vakil Chand.

Notice of motion for 29.4.2021.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

At this stage, Mr. Saurabh Dalal, Advocate puts in appearance on behalf of the complainant and accepts notice on his behalf.”

4. Learned Counsel submits that in pursuance of the aforesaid order, petitioners have already joined the investigation and their custodial interrogation is not required.

5. Learned State Counsel, on instructions submits that petitioners have joined investigation, but their custodial interrogation is required.

6. Learned counsel for the complainant also vehemently opposed the prayer of petitioners on the premise that neither amount in question has been refunded; nor the sale deed is executed by the vendor-Ved Parkash.

7. Heard both the sides and perused the paper book.

8. Concededly, the amount in question has gone in the account of Ved Parkash, who happens to be the original owner of the land in question, which was agreed to be sold in favour of the complainant/respondent No.2.

However, there is no allegation that any amount was handed over to either

of the petitioners.

9. In view of above, custodial interrogation of the petitioners would not serve any purpose. As a result thereof, interim order dated 25.11.2020 is made absolute; subject to the conditions as envisaged under Section 438(2) Cr.P.C.
10. It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.
11. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
12. Disposed off accordingly.
13. Pending application(s), if any, shall also stand disposed off.

11.09.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No