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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 38039-2023
Date of decision: 04.08.2023*Mukesh**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Virender Soni, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)**CRM 32178-2023**

Allowed as prayed for.

Main case

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 277 dated 22.06.2023, registered under Sections 406, 420, 506 and 180 of the Indian Penal Code, at Police Station Sadar Jind, District Jind (Annexure P-1).

2. It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. In any case, the case involved is of civil dispute regarding non-execution of the sale deed pursuant to the agreement to sell. Although the alleged agreement to sell was entered between husband of the petitioner and the complainant, however, even after the death of her husband, the petitioner and other co-sharers in the land had even served a legal notice upon the complainant to get the sale deed executed in his favour. However, he had not come forward to get the sale

deed executed. In any case, there is no criminal element involved in the case. There is no other case against the petitioner. Hence, the petitioner deserves to be protected against her arrest.

3. Notice of motion.

4. Mr. Krishan Kumar Chahal, Additional Advocate General Haryana accepts notice on behalf of the respondent - State.

5. Counsel for the State has submitted that the husband of the petitioner had taken a sum of Rs.15,00,000/- from the complainant; despite that neither the sale deed has been executed nor has the money been returned. The petitioner is a witness to the said agreement to sell. Therefore, the complicity of the petitioner is not ruled out. However, counsel for the State has not been able to show anything to the effect that the complainant had ever tried to get the sale deed executed in his favour, as per the date fixed in the agreement to sell.

6. In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to her furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

August 04, 2023

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