

[205] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44005-2023

Date of Decision :20.12.2023

Saroj Khanna

...Petitioner

versus

State of Haryana

....Respondent

Coram : **HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. Vikram Preet Arora, Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

[1] On 04.09.2023, the following order was passed by this Court:-

“Present: Mr. Vikram Preet Arora, Advocate for the petitioner.

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.167 dated 04.08.2023 registered under Sections 341, 406, 420, 506, 34 of the IPC registered at Police Station Panjokhara, District Ambala.

FIR is lodged on the basis of complaint dated 10.04.2023 made by one Neelam Koul as per which petitioner and her son had agreed to sell the property for Rs.37,00,000/-. Initially Rs.2,00,000/- was taken at the time of agreement and later on another Rs.28,00,000/- was taken. It was alleged that later on possession of the house was not delivered.

It is contended by learned counsel that there is no agreement to sell; that power of attorney given to the complainant at the time of agreement was later on cancelled in August, 2021; that no suit for specific performance was filed and that civil suit for permanent injunction has already been filed by the petitioner and that FIR has been lodged after more than 05 years.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana accepts notice on behalf of respondent- State.

Power of attorney on behalf of complainant has been filed.

Learned counsel for the complainant submitted that a written agreement of sell dated 17.01.2018 was executed and that despite taking huge money, possession was not delivered on the pretext that

construction was going on. Still further, it is contended that intention of the petitioner and her son was dishonest since beginning.

However, it is conceded by learned counsel for the complainant that till date no suit for specific performance has been filed despite cancellation of power of attorney on 31.08.2021. He is also unable to convince this Court as to why the complainant approached the police after more than 05 years from the date of agreement.

Having regard to all the aforesaid facts and circumstances and also with regard to the fact that case is primarily of civil nature, let complete status report be filed by respondent- State.

Adjourned to 20.11.2023.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

[2] Today, on instructions from ASI Salinder Singh, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 04.09.2023 and is no longer required for further investigation.

[3] In view of the aforesaid, the order dated 04.09.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, she shall continue to join investigation, if and so required by the Investigating Officer.

[4] Disposed of.

(DEEPAK GUPTA)
JUDGE

20.12.2023