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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M - 51364-2023
Date of decision: 10.10.2023*Balwinder Kaur alias Rani**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Naveen Bawa, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

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. 159 dated 31.03.2023, registered under Sections 406 and 420 of the Indian Penal Code (Sections 468, 471, 120-B IPC added later on), at Police Station Krishna Gate, Thanesar, District Kurukshetra (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against her. The petitioner has unnecessarily been dragged in the case only because she is the daughter-in-law of the main accused, who is alleged to have entered into agreements to sell with the complainant qua sale of particular property and, thereafter, has not got the sale deed executed. Otherwise, the petitioner is neither a signatory to any such agreement to sell nor she is the beneficiary in any manner. There is not

even an allegation that any money was received by the petitioner as such. The only allegation against the petitioner is that she also met the complainant once and made an assurance to the complainant that the plot (s) will be provided to him at less than the prevalent market rates. Beyond that, there is nothing against the petitioner. There is no other case against the petitioner. The petitioner shall join the investigation as and when called for by the police. Hence, the petitioner deserves to be protected against her arrest.

3) Notice of motion.

4) Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accept notice on behalf of the respondent – State.

5) It is submitted by counsel for the State, being instructed by SI Mahender Singh that father-in-law and husband of the petitioner have cheated the seven persons by executing certain agreements to sell, despite the facts that they were not even the owners of the properties involved in the case. In the process, a lot of money has been received by them, including some of them through Bank transactions. The petitioner had also participated in the process for convincing the complainant to become an intending purchaser, by assuring him that the plot will be provided at less than the market rates. However, it is not disputed that the petitioner is neither the signatory to the agreement to sell nor has she received any money from any person, including the complainant, qua the alleged agreement to sell. It is also not disputed that there is no other case against the petitioner.

6) In view of the above, but without commenting any further 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/surety bonds 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

October 10, 2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No