



CRM-M-26980-2024 (O&M)

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**101+102+212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-26980-2024 (O&M)
Date of Decision: 05.08.2024**

VIDHI TIBREWALA

... Petitioner

Versus

STATE OF HARYANA & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manoj Makkar, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

Mr. Kapil Aggarwal, Advocate
for applicant/respondent Nos.2 & 3.

JASJIT SINGH BEDI, J.

CRM-29570-2024

The present application has been filed by the
applicant/respondent No.2 for placing on record Annexures R-2/1 to R-2/5.

For the reasons mentioned in the application, the same is
allowed and Annexures R-2/1 to R-2/5 are taken on record.

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The prayer in the present petition under Section 439(2) Cr.P.C.
read with Section 482 Cr.P.C. is for cancellation of the anticipatory bail order
vide order dated 02.02.2024 (Annexure P-3) and the subsequent order dated
09.02.2024 (Annexure P-4) passed by the Court of Session Judge, Rohtak in



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case FIR No.755 dated 30.11.2023 registered under Sections 406, 420, 467, 468, 471, 34 IPC at Police Station Shivaji Colony Rohtak.

2. The brief facts of the case are that an FIR No.755 dated 30.11.2023 under Sections 406, 420, 467, 468, 471, 34 IPC Police Station Shivaji Colony Rohtak came to be registered on an application under Section 156(3) preferred by the complainants/respondent Nos.2 & 3 who stated that their father Ram Tilak died in the year 1986 leaving behind a widow Usha Devi, sons Srinandan (respondent No.2), Deepak (respondent No.3), daughter Nidhi Khemka and petitioner/complainant-Vidhi Tibrewala. On the death of their father, without disclosing to the revenue authorities about their being an LR mutation was sanctioned in the names of the three remaining siblings namely Srinandan, Deepak and Vidhi Tibrewala.

3. Pursuant to the registration of the FIR, the respondent Nos.2 & 3 sought the concession of anticipatory bail and vide order dated 02.02.2024 (Annexure P-3), they were granted the concession of interim anticipatory bail which was confirmed vide a subsequent order dated 09.02.2024 (Annexure P-4).

4. The aforementioned orders are under challenge in the present petition.

5. The learned counsel for the petitioner/complainant contends that the offences were serious in nature including cheating, forgery fraud and misappropriation of a huge amount. The allegations against respondent Nos.2 & 3 had not been considered in their proper perspective while granting them

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the concession of anticipatory bail. Therefore, the said orders were liable to be set aside.

6. The learned State counsel contends has reiterated the version of the complainant/petitioner stating that the nature of the allegations did not entitle to respondent Nos.2 & 3 to the grant of anticipatory bail. He, however, concedes that State did not file an application for cancellation of bail.

7. On the other hand, the learned counsel for complainant/respondent Nos.2 & 3 while referring to the reply dated 22.07.2024 contends that the present case was a civil dispute at best between close family members. Civil proceedings were pending. The case was otherwise based on documentary evidence. The respondent Nos.2 & 3 had joined investigation. No recovery was to be effected from them. The investigation had almost concluded. There was no allegation that respondent Nos.2 and 3 were tampering with the evidence or pressurizing prospective witnesses. Therefore, the present petition was liable to be dismissed.

8. I have heard the learned counsel for the parties.

9. Admittedly, the dispute is between close family members. Civil suits are pending between the parties. The case is based entirely on documentary evidence. No recovery is to be effected from respondent Nos.2 & 3. There is absolutely nothing to suggest that pursuant to the grant of bail, the respondent Nos.2 & 3 have misused the said concession. On the other hand, repeated attempts have been made to effect a settlement with the complainant/petitioner but to no avail.



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10. In view of the above, no fault can be found with the orders granting anticipatory bail to respondent Nos.2 & 3. Therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

05.08.2024
JITESH

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