

CRM-M-26590-2022 (O & M)

2024:PHHC:103358



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26590-2022 (O&M)

Reserved on :09.08.2024

Date of Pronouncement:12. 08.2024

Smt. Pinki

... Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Aditya Yadav, Advocate,
for the petitioner.

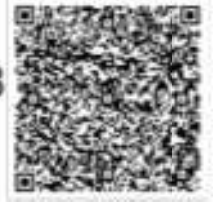
Mr. Deepak Grewal, DAG, Haryana.

Mr. Balraj Singh Dhull, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the condition in order dated 01.06.2022 (Annexure P-6) passed by the Additional Sessions Judge, Jhajjar whereby while granting anticipatory bail to the petitioner in case FIR No.341 dated 27.08.2021 under Sections 420, 467, 468 and 471 IPC registered at Police Station City Jhajjar, Distt. Jhajjar (Annexure P-1), she has been directed to deposit a sum of Rs.8.50 lacs before the investigating officer or before the Illaqa/Duty Magistrate within a period of 15 days.

2. The brief facts of the case are that one Madan Lal was the original owner of a piece of land who sold the same to Hari Kishan (father of the



petitioner-Pinki) on 22.05.2006 for a sum of Rs.50,000/-. Pinki (petitioner) became the owner of the same vide a gift deed dated 14.10.2016. She executed a sale deed in favour of Santosh on 29.03.2017 for a sum of Rs.8.50 lacs. Santosh sold the property to the complainant-Rajwanti for a sum of Rs.10.10 lacs vide agreement dated 30.10.2017. As per the allegations in the FIR, Santosh was not the owner of the land as the said plot had been acquired by the Government vide Notification No.CCPNCR/JJR/DDP/2012/.2211 dated 13.07.2012 and the compensation for the same had been received by the accused.

3. The learned counsel for the petitioner contends that Hari Kishan was granted the concession of anticipatory bail without the imposition of any condition as was evident from the order dated 20.04.2022 (Annexure P-7). Santosh was granted the concession of bail in terms of the judgment of '*Arnesh Kumar Vs. State of Bihar*', without the imposition of any such condition. Surprising, only in the bail application of the petitioner was the condition imposed to deposit a sum of Rs.8.50 lacs. He, therefore, prays that the aforementioned condition be quashed.

4. The learned counsel for the complainant and the learned counsel for the State while not disputing the factual narration state that that the seriousness of the allegations drove the Court of the Additional Sessions Judge, Jhajjar to impose the impugned condition. Therefore, the present petition for quashing of the said condition was liable to be dismissed.

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

6. Apparently, Hari Kishan, the father of the petitioner-Pinki transferred the property in the name of Pinki vide gift deed dated 14.10.2016. He

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has been granted the concession of anticipatory bail without the imposition of any condition. Pinki sold the property to Santosh who has been granted the concession of bail without the imposition of any condition. It was Santosh who had transferred the same to the complainant. Therefore, once no such condition was imposed while granting bail to Hari Kishan and Santosh, it amounts to grave injustice if the said condition is imposed upon the petitioner alone.

7. In view of the above discussion, I find considerable merit in the present petition. Therefore, the condition imposed upon the petitioner to deposit a sum of Rs.8.50 lacs either before the investigating officer or before the Court of Illaqa/Duty Magistrate within a period of 15 days, vide order dated 01.06.2022 passed by the Additional Sessions Judge, Jhajjar (Annexure P-6), stands quashed.

8. This petition is allowed in the above terms.

(JASJIT SINGH BEDI)
JUDGE

August 12, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No