

CRM-M-30608-2024
DATE OF DECISION: 08.07.2024

RUBI BHATI **..PETITIONER**

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Shweta Bawa, for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.
Mr. Devender Kumar, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.317 dated 02.05.2024 registered under Sections 406/420/120-B IPC at Police Station Ballabgarh, District Faridabad.

2. Learned counsel for the petitioner submits that the dispute in the present FIR is arising out of a registration of a sale deed bearing vasika No. 3072 dated 11.07.2019 for a sale consideration of Rs. 20 lakhs qua purchase of plot in question from one Jasvinder Dass. The plot is same which is situated in khewat/ khata no.19/32, Khasra mustil no.8, killa no.24/2,25, 2/1, mustil no.19, Killa no.3, 4, 5/1, mustil no.7, killa no.16, 25/1, mustil no.8, killa no.5/1, 6/1, 7,14, 15/1, 16/1,17,23, 24/1 total measuring 280 sq. yds., dimension 30 x 84 ft' whereof 15 ft' rasta in south. It is asserted on behalf of the petitioner that the petitioner

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was owner in possession of the said plot since the date of the registered sale deed i.e. Annexure P-2 and nobody raised any objection and claimed ownership of the said plot which was sold out to the complainant and provided all the requisite documents to the complainant which were duly verified by them even through their counsel. Therefore, the petitioner has preferred the instant petition for anticipatory bail submitting that it is a dispute arising out of the sale consideration and essential ingredients of Sections 406/420/120-B IPC are missing and no criminal liability can be fastened upon the petitioner for that reason alone.

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions opposes the prayer for grant of bail stating that the petitioner has sold the plot to the complainant who after verification of each and every aspect as a bona fide purchaser entered into the agreement to sell and the plot actually is not in ownership of the petitioner, hence, cheated the complainant at the very inception of the agreement to sell. He seeks dismissal of the petition on these very arguments.

5. In addition to the contentions raised by learned State Counsel, learned counsel for the complainant at this stage asserts that according to the property ID bearing registration No. IBE45659 and 'No Due Certificate' qua the same property, it belongs to one Kirorilal

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Gupta son of Prem Raj. He further submits that relying upon these documents the complainant entered into agreement to sell but later on demarcation got conducted and it was found that the plot in question was situated in Ballabgarh and not in the area of Ranhera.

6. Be that as it may, after having heard learned counsel for the parties, it is evident that the petitioner after having received sale consideration handing over the documents and got the sale deed registered in favour of the complainant who after making verifications qua the property and its ID from the record of the Tehsil which is very much available to each and every resident of the State which seems to have not been made out properly. The only dispute remains on perusal of the FIR would seem to be qua proper demarcation of the plot as to whether it exists in the said khasra number or not which can be ascertained by getting fresh demarcation conducted by moving application before appropriate authorities. Further, the complainant is also having other efficacious remedies available under Civil law against the petitioner but the instant FIR is nothing but is used as a tool for arm twisting over the petitioner.

7. On perusal of the contents as narrated in the FIR and the allegations made in therein, this Court duly convinced that essential ingredients of Sections 406/420/120-B IPC seems to be prima facie not made out, and this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the



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same so that the final report can be submitted by the Investigating Agency in time.

8. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

9. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

10. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

08.07.2024
anuradha

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