



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

214

CRM-M-34212-2024 (O&M)  
Date of Decision:- 30.08.2024

HARSHITA JAIN  
....Petitioner(s)

Versus

STATE OF HARYANA  
...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present : Ms. Shikha Yadav and Mr. Manish Sahay, Advocates  
for the petitioner.

Mr. Surender Singh, AAG Haryana.

Mr. Ravinder Phogat, Advocate for the complainant.

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**SANJIV BERRY, J. (ORAL)**

The instant petition has been preferred by the petitioner under  
Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the  
following case :-

| FIR No. | Dated      | Sections               | Police Station                  |
|---------|------------|------------------------|---------------------------------|
| 377     | 13.06.2024 | 389, 420 and 120-B IPC | Rohtak City, District<br>Rohtak |

2. It is, *inter alia*, contended by learned counsel for the petitioner  
that the petitioner is innocent and has been falsely implicated in this case. He  
submits that the dispute between the parties arises out of an agreement to  
sell, which at the most attracts civil litigation and has been given the colour  
of criminal case by the complainant in connivance with the police. He  
submits that challan has already been presented in the Court and the



petitioner is not required for further investigation in the matter. He contends that the petitioner is in custody since 19.06.2024 and the offences are triable by the Court of Magistrate. He further contends that the petitioner is having no criminal antecedents, thus prays for grant of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply dated 09.08.2024 has submitted that the dispute between the parties is primarily qua execution of an agreement to sell and the petitioner had tried to play fraud upon the complainant. Thus prayed for dismissal of the petition.

4. Learned counsel appearing on behalf of the complainant has submitted that the petitioner had committed fraud with the complainant by entering into an agreement to sell with the complainant regarding a property, which she later sold to somebody else.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, an agreement to sell was entered upon by the complainant with the petitioner and in view thereof, the complainant had transferred ₹97.50 lakhs to the petitioner. However, at the time of execution of the sale deed, the petitioner did not turn up before the office of Tehsildar and later it came to the knowledge of the complainant that the petitioner has transferred the property to a third person.

7. Admittedly, after the completion of investigation, challan has been presented in the Court. The petitioner, who is a lady aged about 46 years, is not having any criminal antecedents. The offences are triable by the



Court of Magistrate and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

8. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)  
JUDGE

30.08.2024  
S.Sharma(syr)

|     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |