

2025:PHHC:049946



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-19994-2025
DECIDED ON: 11.04.2025**

PREETI**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. B.S. Jaswal, Advocate and
Mr. Buta Singh Dholanwal, Advocate
for the petitioner.

Mr. Surender Singh Pannu, Addl. AG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This Petition under Section 482 of BNS, 2023 for grant of Anticipatory Bail in FIR No.79 dated 21.03.2025 u/s 318(4) 329(4), 351(2) and 61 of BNS, 2023, PS Ambala City, District Ambala (Annexure P-1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Complaint No. 684-PW dated 27.02.2025 marked by the Office of Superintendent of Police Ambala, 122-DGPNA dated 05.03.2025, 35-A/CITY dated 25.02.2025 after investigation from EOW AMBALA and after investigation by police Chowki No.2 has been received in Police Station through post, the summary of which is as follows- To the Superintendent of Police, Ambala. Subject: Application against Preeti Rani (Mob. No.7404637512, 7009740429) wife of Balram 2. Kunal son of Balram (Mobile No. 7082074232) 3. Lalita Rani daughter of Balram 4. unknown person Preeti's nephew, 5. Preeti's son-in-law Baljinder (Mobile No.7988819735) all residents of House No. 39, Street No. 4, Indira Colony,

Jandli, Ambala City regarding cheating, fighting, threatening to kill and demanding ransom. Sir, it is submitted that I, Rekha Devi wife of Ram Kumar am resident of village Durala district Ambala and have been residing in village along with my mother-in-law and children and am a house wife. That applicant's husband Ram Kumar entered into a deal to buy a House No. 22 Badbast No. 51 area 154 sq.yards, Khewat No. 627, Khatauni No. 674 comprised in Khasra No. 33//14/2 with the accused Preeti Rani for a total of Rs.14,20,000/- in which on the basis of the agreement to sell, Preeti Rani was able to receive Rs.3 lakh from Ram Kumar on 06.1.2021, which was signed by Raj Kumar son of Som Nath, Madan Lal son of Sant Ram as witnesses and thereafter Rs. 10000/- on dated 11.1.2021 and Rs 20,000/- was given to Preeti Rani on 21.1.2021 and an agreement for full and final payment was typed on 10.4.2023 and after receiving the outstanding amount, Preeti Rani wife of Balram and applicant's husband Ram Kumar, was signed in front of witnesses and got the agreement attested from a notary public and Preeti Rani and her family handed over the possession of the above house to the applicant and his family, which is also written in the agreement and Preeti also made power of attorney in the name of Ram Kumar regarding the above property. That the applicant started living with my family and started taking care of all the cleaning as the owner and in between also lived in my old house in village Dhurala, district Ambala. That on 13.1.2025, when the applicant went with her mother-in-law to clean the above-mentioned house, the applicant saw that the lock of the gate was broken and some labourers were working there and when the applicant stopped the labourers from working, they started threatening the applicant and her mother-in-law and said that the owner had put them on the job and when the applicant talked about calling the police, they stopped the work and seeing all this, Preeti came there and started threatening the applicant that this house is of her and she does not believe in any documents and started abusing and threatening that if she is seen near the house, she will get her killed and on hearing the noise, people gathered there and by intervening they saved the applicant and her mother-in-law from the clutches of the accused, Preeti Rani. That in this regard, an application was given to the Superintendent of Police, Ambala, bearing complaint No. 215 dated 21.01.2025 and in this regard the police called both the parties to police station No.2 Ambala City but the police did not take any action against the accused. It is that yesterday on 19.2.2025 when the applicant went with her mother-in-law Salochana Devi to see her above-mentioned House No.22, Moti Nagar, Lalaypur Basti Ambala City, all the are afraid that the accused may do some untoward incident to her and her family. You

will be highly grateful. Date: 20.2.2025 Sd/- Rekha Applicant Rekha Devi wife of Ram Kumar Village Dhurala District Ambala Mobile No. 87089-08538. Today Police Station: On receipt of the above complaint at Police Station through post, on the basis of the application, finding offence under sections 318(4), 329(4), 351(2), 61 BNS to have been committed, so FIR No. 79 dated 21.03.2025 under sections 318(4), 329(4), 351(2), 61 BNS was registered at Police Station Ambala City, and the copy of the FIR along with the original application is being sent to Sub-Inspector Sushil Police Post No. 2 through Post for further action. Copies of the First Information Report are being sent to the higher authorities through e-mail. The situation was told to SHO Sahib. The entry record was made as per law. This FIR has been registered in the presence of Head Constable Kapil Kumar 1159/YNR Police Station Ambala City."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the case is of civil nature, as the civil suit between the parties seeking permanent mandatory injunction is already pending qua the property in dispute. He further submits that the present FIR has been lodged with the ulterior motive to use the same as an arm twisting mode giving colour of criminal liability. He undertakes before this Court that the petitioner is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Surender Singh Pannu, Addl. AG, Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner is a habitual offender, as he is involved in another FIR No.764 dated 03.10.2020 under Sections 420, 506 of IPC, 1860 registered at Police Station City Ambala.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that a civil suit is already pending between the parties qua the property in question, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

As far as the contention of learned State counsel with regard to the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “***Baljinder Singh alias Rock vs. State of Punjab***” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the

terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

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

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

11.04.2025

Meenu

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