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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.30196 of 2024
Date of decision: 20.03.2025

Deepika Kaushal Arora and another ... Petitioners
Vs.
State of Haryana and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karamjeet Sharma, Advocate,
Legal Aid Counsel (HCLSC),
for the petitioners.

Mr. Arun Kumar Singla, AAG, Haryana,
for the respondent-State.

Mr. Vinay Kumar Arya, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
139	04.04.2024	Dabua, District Faridabad	420 and 120-B of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of a written complaint lodged by the complainant Ritika Rani alleging therein that on 28.07.2023, she had entered into an agreement to purchase a flat/house measuring 93.28 square yards situated at Sainik Colony,

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Faridabad with the petitioner No.1 who represented to her that she was absolute owner in possession of the said property and the same was free from encumbrances. A written agreement was executed on 28.07.2023. An amount of Rs.2 lakhs was given as earnest money at that time and an amount of Rs.4 lakhs was transferred into the bank account of the petitioner No.1. On the asking of the petitioner No.1, the complainant gave another amount of Rs.2,25,000/- to her. However, before registration of sale deed which was to be executed on or before 31.12.2023, she came to know that the property which was agreed to be purchased, was lying mortgaged with some bank as the petitioners had obtained loan on the same. While alleging that by concealing this fact, the petitioners had cheated her, she prayed for taking action. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Faridabad vide order dated 06.06.2024.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. At the time of execution of the agreement, the factum of their property lying mortgaged with the bank was very well known to the complainant. The dispute between the parties is of civil nature which has been given a colour of criminal case. Only an amount of Rs.6,25,000/- had been received by the petitioners from the

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complainant. The petitioners are ready to execute sale deed in favour of the complainant. Their custodial interrogation is not required. They are ready to join the investigation. No recovery is to be effected from them. Therefore, it is urged that they deserve to be extended benefit of pre arrest bail.

4. Status report has already been filed. It is submitted therein and learned Assistant Advocate General, Haryana assisted by learned counsel for respondent No.2 has argued that keeping in view the gravity of the allegations, the petitioners do not deserve to be extended benefit of bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioners are alleged to have hatched a conspiracy to cheat the complainant by causing her wrongful loss of money by inducing her to enter into an agreement with regard to their property which was lying mortgaged and by concealment of that fact. A copy of agreement to sell has been placed on record which reveals that it was specifically mentioned therein by the petitioners that the subject property was free from encumbrances. Meaning thereby that at the time of execution of agreement to sell, they were still aware that they were concealing the factum of the property in question being mortgaged and concealed the same and, therefore, they had dishonest intention since the very beginning. The allegations in the FIR prima facie make out a case

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for commission of offence punishable under Section 420 of IPC read with Section 120-B of IPC against the petitioners. It is relevant to mention here that in the petition, they had expressed desire to execute sale deed in favour of the complainant but even after sending of the matter before the Mediation and Conciliation Centre of this Court, no settlement could be arrived at between the parties and no sale deed has been executed in favour of the complainant. From the allegations in the FIR, a prima facie case to prove the factum of commission of offence of cheating has been made out as against the petitioners. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, likelihood of his influencing the course of investigation or tampering with evidence as well as likelihood of fleeing justice. It is also well established that an accused does not become entitled to grant of anticipatory bail as a matter of right if his custodial interrogation is not required. In this case, custodial interrogation of the petitioners is required for conducting thorough investigation in the matter as well as for eliciting information about the manner in which the subject offence was committed. More so, no extraordinary or exceptional circumstance warranting exercise of the powers for grant of anticipatory bail by this Court has been made out in favour of the petitioners. As such, I am of the considered opinion that the petition does not deserve to be allowed.

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Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.03.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No