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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-49753-2023
Decided on: 07.03.2025**

Prema Devi through SPA Ishwar Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARAPresent: Ms. Yashika Walia, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Sourabh Goel, Sr. Standing Counsel with
Ms. Smridhi Jain, Advocate and
Mr. Akash Khurana, Advocate,
for respondents No.2 and 3.

ANOOP CHITKARA, J.

1. Aggrieved by a wrong statement made by respondents No.2 and 3 in para 16 (page 30) of the bail petition, the petitioner, who is complainant, has come up before this Court seeking initiation of proceedings against respondents No.2 and 3 under Section 340 CrPC on the ground that this pleading was in contradiction to averments made in paragraphs 14 and 15 of their own affidavit (Annexure P-6) filed by respondent No.2- Mahender Soni.

2. I have heard counsel for the parties and gone through the record.

3. It would be appropriate to refer paragraph 16 of the bail petition and paragraphs 14 and 15 of the affidavit dated 06.01.2022 (Annexure P-6), which reads as follows:

Para 16 of the bail petition

“16. That even otherwise also, the sale deed dated 29.04.2015 (Annexure P-11) in favour of complainant has a clear recital that in case of defect in title, the seller will be bound to compensate the complainant. It is again submitted that on the date of execution of sale deed (Annexure P-11), the land in question was not lying mortgaged with the bank. Even then if the complainant has any



grievance, the petitioner No.1 is ready to pay the market price of the land as of today to the complainant.

Paragraphs 14 & 15 of affidavit (Annexure P-6)

“14. That the petitioner are ready to make the payment to the bank as per the OTS scheme and although there is no lien of bank over the plots in dispute, however, in order to settle the dispute, the petitioners are ready to make the payment of loan account.

15. That as contended in para 16 of the bail petition, the petitioners once again submit that in case the respondent No.2 want to take the market value of the land, the petitioners are ready and willing to honour the same.”

4. A perusal of the orders granting bail to respondents No.2 and 3 reveals that the bail was never granted on these factors but was granted keeping in view the allegations made against respondents No.2 and 3 on merit and it would be appropriate to refer paras No.4 and 5 of order dated 10.01.2022, which reads as under:

“4. Given the nature of allegations, no pre-trial incarceration is required. Without commenting on the case’s merits and the circumstances peculiar to this case, the petitioners make a case for release on bail.

5. Given above, the present petition is allowed. The interim order dated 13.10.2021 is hereby made absolute subject to the condition that the statements made by the petitioners through their counsel, in the interim shall be complied with and secondly, they will file an affidavit within a period of 10 days from today mentioning all their asset details, all bank account details whether held individually or jointly, fixed deposits, Demat accounts, cash in hand, sovereign metals, moveable or immoveable property and their valuation with an advance copy thereof to learned State counsel as well as to learned counsel for the complainant.”

5. Given above, the petitioner’s succeeded in getting bail not because of the false averments or contradictory affidavit but this Court granted bail on merit after analysing the allegations levelled against them. On enquiry, counsel for the petitioner points out that the application for cancellation of bail was dismissed. Counsel for the respondents No.2 and 3 submits an SLP challenging the said order was also dismissed.



6. Given above, no ground is made out to proceed further, as such, present petition dismissed. All pending applications, if any, stand disposed of.

07.03.2025
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No.