

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2040 OF 2017  
[@ SPECIAL LEAVE PETITION (CRL.) NOS. 7991 OF 2017]

RAHUL ARORA & ORS.

Appellant (s)

VERSUS

THE STATE OF HARYANA

Respondent (s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellants approached this Court, aggrieved by the denial of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973. The operative portion of the impugned order reads as follows :-

*"Perusal of the order dated 22.11.2016, passed by learned Additional Sessions Judge, Gurgaon, reveals that the petitioners had sought many adjournments on the pretext to comply with the said MoU but when the MoU was not honoured, their pre-arrest bail petition was dismissed. Before this Court also, on the statement of the learned counsel for the petitioners that they will abide by all the conditions and will transfer the land in the name of the minor son of the*

*complainant and petitioner No. 1, interim anticipatory bail was granted to them vide order dated 6.12.2016. But till date, they have not complied with the said order and time and again changed their stance, therefore, the Court feels that the statement made before this Court lacked bona fide and was made to gain time and mislead the Court.*

*Considering the nature of allegations and the fact that they have scant regard to the order of the Court, this Court is not inclined to grant concession of anticipatory bail to them.*

*Dismissed.*

*However, anything stated hereinabove shall have no bearing on the merits of the case."*

3. When the matter came up before this Court, the following order was passed on 01.11.2017 :-

*"The learned counsel for the petitioners submits that given some time, he shall produce the Title Deed transferring the Farm House in favour of the son in terms of the agreement....."*

4. Thereafter, on 15.11.2017, the following order was passed :-

*"The learned counsel for the petitioners submits that he has already taken steps for transfer of the property in favour of*

*the son as per the settlement, but we find that despite his statement to do the same before this Court on 01.11.2017, steps have been initiated only on 13.11.2017. Apparently, the petitioners want to prolong the matter.*

*List on 28.11.2017.*

*The petitioners are directed to be personally present before this court on that date."*

5. Today, the parties are present before this Court. It is submitted that the property has been transferred and the name of the son has been entered in the Revenue Records by way of registered documents. If that be so, we permit the appellants to approach the High Court, in appropriate proceedings, by producing these documents, in which case, taking note of the subsequent developments, the High Court may pass appropriate orders.

6. In view of the above, the appeal is disposed of.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ AMITAVA ROY ]

New Delhi;  
November 28, 2017.

ITEM NO.13

COURT NO.5

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7991/2017

(Arising out of impugned final judgment and order dated 13-09-2017 in CRMM No. 43110/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

RAHUL ARORA &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.106167/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.106169/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 28-11-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Nitin Bhardwaj, AOR  
Mr. Baij Nath Patel, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)