

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

Decided on: January 27, 2015.

CRM-M-1265-2015 (O&M).

Rajwinder Kaur

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.R.S.Athwal, Advocate,
for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

**Mr.Malkeet Singh, Advocate,
for the complainant.**

M.M.S. BEDI, J (ORAL)

The petitioner is a lady. She seeks concession of pre-arrest bail in a case registered at the instance of Satwant Kaur Sandhu daughter-in-law of Davinder Singh. The complainant happens to be wife of Baljit Singh son of Davinder Singh, who pre-deceased his father.

As per the allegations in the complaint, Davinder Singh father-in-law of the complainant had executed a Will in favour of his three sons and his wife but the petitioner who is daughter of Davinder Singh, on the basis of an agreement of sale dated 31.10.2012, alleged to have been executed by Davinder Singh in favour of Poonam Angra and Usha Devi Angra on the basis of

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alleged power of attorney in her favour dated 15.4.2013, sold the property of Davinder Singh to Poonam Angra vide two sale deeds on 30.4.2013.

Counsel for the petitioner has submitted that the registered sale transactions on the basis of power of attorney executed in favour of petitioner are genuine transactions without any ill-will or motive to deprive any of the heirs of Davinder Singh, from rights in property.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that the petitioner is responsible for executing the sale deeds on the basis of a forged power of attorney to deprive the complainant Satwant Kaur Sandhu of her rights of inheritance being widow of Baljit Singh son of Davinder Singh.

Counsel for the petitioner as well as counsel for the complainant state that property sold to Gopal Angra and Poonam Angra has been re-transferred to Sarabjit Singh and Baldev Singh, the other two sons of Baljit Singh. Counsel for the petitioner has vehemently contended that they have repurchased the land at high rate.

It will be pre-mature at this stage to arrive at a conclusion whether the entire transactions pertaining to the property of Davinder Singh are with an objective to defeat the rights of the complainant Satwant Kaur Sandhu being widow of Baljit Singh or she

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has not been prejudiced in any manner on the basis of the said transactions. Prima facie, the factum of re-transfer by repurchase of the land by some of the heirs of Davinder Singh, is indicative of the fact that on account of the inability of the complainant to repurchase the land she has been deprived of right of inheritance. No doubt she claim her right by challenging all the transactions being in the capacity as widow of Baljit Singh and the parties were also given option to amicably resolve the controversy in order to ensure that right, title and interest if any of the complainant in the property of Baljit Singh pre-deceased son of Davinder Singh could be safeguarded to some extent but with no result.

In view of the above circumstances, the investigation being at initial stage, it does not appear to be a case for the grant of pre-arrest bail as no extra ordinary exceptional circumstances exist in her favour.

The petition is dismissed without prejudice to the rights of the petitioner to approach this Court again in case at any subsequent stage the matter is amicably resolved amongst the family members.

January 27, 2015.
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(M.M.S. BEDI)
JUDGE