

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-4626-2015

Date of decision : 12.02.2015

Bimla Devi

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Ashok Kumar Khunger, Advocate
for the petitioner.

REKHA MITTAL, J.(ORAL)

The present petition under Section 439(2) of the Code of Criminal Procedure (in short 'Cr.P.C.') has been preferred for cancellation of pre-arrest bail granted by the Additional Sessions Judge, Fatehabad vide order dated 30.01.2015 passed in favour of respondent No.2 in FIR No.580 dated 02.09.2014 registered in Police Station City Fatehabad for offence punishable under Sections 420, 465, 466, 467, 468, 471, 506 IPC.

Counsel for the petitioner inter alia contends that respondent No.2 has forged thumb impression of the petitioner and impersonated for Rukmani to secure a decree from the Civil Court in favour of Sajjan Kumar son of respondent No.2 born out of his previous wedlock before his marriage with the petitioner. It is further submitted that in view of gravity of allegations against the respondent, he has been wrongly allowed concession of pre-arrest bail.

I have heard counsel for the petitioner and perused the records.

As per allegations, respondent No.2-accused impersonated for Smt.Rukmani Devi in the civil suit titled Sajjan Kumar Vs. Rukmani Devi and obtained a decree in favour of Sajjan Kumar. It is apparent that Rukmani Devi, real victim of the alleged crime filed a civil suit to assail the civil court decree but later withdrew the suit meaning thereby that Rukmani Devi has no grievance to express against the civil court decree passed in favour of Sajjan Kumar. The Court of Additional Sessions Judge, Fatehabad on a detailed consideration of the matter has passed the impugned order and I do not find any error much less illegality warranting intervention in exercise of jurisdiction under Section 439(2) Cr.P.C.

Dismissed.

(REKHA MITTAL)
JUDGE

February 12, 2015.

DK