

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-76-2015(O&M)
Date of decision : 06.02.2015

Surjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vivek Goel, Advocate
for the petitioner.

REKHA MITTAL, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No.318 dated 15.11.2014 registered in Police Station Dharamkot, Moga for offence punishable under Sections 420, 465, 468, 471, 120-B of the Indian Penal Code (in short 'IPC').

Counsel for the petitioner contends that the petitioner was earlier married to one Mela Singh @ Gurmail Singh son of Sunder Singh (since deceased) and thereafter she performed marriage with Bachan Singh @ Gurbachan Singh son of Sunder Singh, co-accused in the case.

The petitioner inherited the land in question from her previous husband Mela Singh. She executed a registered General Power of Attorney in favour of her husband Gurbachan Singh @ Bachan Singh in the year 1991. There arose differences between the petitioner and her husband Gurbachan Singh and as a result, she cancelled the said power of attorney in June, 2014. Gurbachan Singh @ Bachan Singh entered into an agreement to sell the land in question in favour of complainant Harpreet Singh Gaba and

executed the sale deed in July 2014. It is further argued that prior to lodging of the instant FIR, the petitioner filed a civil suit for permanent injunction against the complainant and her husband wherein ad-interim injunction was granted by the Civil Court vide order dated 19.08.2014 (Annexure P1) restraining defendant No.1 (complainant) from alienating the suit land till 25.08.2014. The petitioner has also filed a criminal complaint against Harpreet Singh Gaba, her husband, revenue officers and others for committing fraud, forgery and other offences which is pending in the Court. It is vehemently argued that the petitioner is the victim of crime committed by the persons arraigned as accused in the complaint filed by her. Gurbachan Singh @ Bachan Singh has already been arrested in the case and she is ready to face the proceedings in accordance with law, when otherwise her custodial interrogation is not required.

As per allegations levelled by the complainant, the petitioner and her husband conspired together to cause wrongful gain to themselves and loss to the complainant. The petitioner cancelled the power of attorney on 23.06.2014 and thereafter transferred the land in favour of one Karam Singh son of Sucha Singh vide vasika No.906 dated 24.06.2014. There are serious allegations against the petitioner and her husband. The pre-arrest bail is a concession to be allowed by the Court only in the circumstances where a false case has been registered due to political vendetta or for some other ulterior consideration.

Dismissed.

(REKHA MITTAL)
JUDGE

February 06, 2015.

DK