

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.11148 of 2016

Date of Decision:-06.04.2016

Himalyini Gupta & Anr.

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Cheema, senior Advocate assisted by
Mr. A.S. Cheema, Advocate for the Petitioners.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana.

Mr. J.S. Bedi, Senior Advocate assisted by
Mr. Abhinav Sood, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioners, namely, Himalyini Gupta and Promila Kanwar in case FIR No.85 dated 21.03.2016 for offences punishable under Sections 147, 149, 456, 457, 447, 448, 395, 120-B of Indian Penal Code registered with Police Station Ambala Cantt., Ambala.

As per allegations levelled by the complainant Sham Bihari, claiming himself to be the GPA holder of the Rai Bahadur Lala Banarsi Dass trust alleges that both the accused-petitioners along with the help of 40-50 other persons had forcibly tried to enter into the property on

20.03.2016 at about 8.00 pm and take possession. In the process they have also taken away articles which were lying in some of the rooms.

It is submitted that both the petitioners-accused are the grand daughters of the original owner of the property, namely, Rai Bahadur Lala Banarsi Dass. A suit had been filed by them challenging the alleged trust created and being managed by the alleged trustees. Subsequently, on an information derived from the record, it becomes apparent that there was no legally constituted trust. It is also apparent that the property comprises of a vacant land measuring total 5910 square yards with a few rooms in dilapidated condition.

It is contended that both the petitioners are above 60 years of age and widows and admittedly are the legal heirs of the original owners and a civil dispute was pending between the parties. It is next contended that even if the allegations are taken on the face value, at best there is alleged attempt to trespass and take possession and the allegations of dacoity at the hands of aged ladies has been falsely introduced so as to make this offence serious.

Be that as it may, it is submitted that both the petitioners are in custody since 21.03.2016 and investigations qua them are over.

Learned Counsel for the complainant has very vehemently tried to oppose the bail applications.

Learned State Counsel concedes the fact regarding the custody period and the fact that the investigation qua both the petitioners are over.

Without commenting on the merits of the case, keeping in view the nature of allegations and that both the petitioners are aged ladies and

that the investigations qua them are over, it is felt that no useful purpose would be served by keeping them in custody as the trial is not likely to be concluded in near future, the present petition is allowed and petitioners namely Himalyini Gupta and Promila Kanwar are ordered to be released on bail subject to their furnishing heavy sureties and deposit of their passports to the satisfaction of learned Illaqa Magistrate/Duty Magistrate, Ambala.

Petition stands disposed of.

**(JASWANT SINGH)
JUDGE**

April 06, 2016
Vinay