

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

CRM-M No.18842 of 2016

Date of Decision:-03.06.2016

Prem Gupta.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vivek Salathia, Advocate for the Petitioner.

Ms. Rimplejit Kaur, Assistant Advocate General Punjab
assisted by HC Gurcharan Singh.

Mr. Sarabjit Singh, Advocate for the Complainant.

JASWANT SINGH, J.(ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the Petitioner-Prem Gupta in case FIR No.131 dated 17.04.2016 for offences punishable under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code registered with Police Station A Division, Amritsar.

Complainant Pritpal is the *Bhabi* of the co-accused Sujata Gupta (who is the wife of the petitioner-accused) and who was married to Ajit Singh son of Bhagwan Singh. Ajit Singh died on 29.12.1989 and the father Bhagwan Singh on 24.10.1991. Complainant Pritpal Kaur and her two children Karamdeep Singh and Jasmeet Kaur are the Lrs of Ajit Singh, who along with Piar Kaur are the two children of Bhagwan Singh from his

first wife. From the second wife Kartar Kaur three daughters were born namely Jaswant Kaur, Chanchal Kaur and co-accused Sujata Kaur. All the three sisters i.e. Piar Kaur, Jaswant Kaur and Chanchal Kaur remained unmarried and have died. The dispute is regarding the house measuring 77 square yards left behind by Bhagwan Singh and allegedly being occupied by the co-accused Sujata Gupta along with her husband (petitioner-accused) and family since last two decades.

The allegations of the complainant are that the Petitioner-accused Prem Gupta has connived with her wife co-accused and tried to usurp the share of the complainant and her children by submitting a false affidavit dated 17.08.2015 before the revenue officials stating that Sujata Gupta is the only legal heirs of Bhagwan Singh.

It is contended that the affidavit was tendered by the co-accused Sujata Gupta with bonafide intentions since the complainant along with her children had severed her ties with the family since long time. Secondly no prejudice till now has been caused to the complainant as even the mutation has not been entered. It is further contended that evidence is documentary as such custodial interrogation is not required. It is finally contended that even otherwise the only role attributed to the present petitioner-accused is of connivance and the petitioner who is 62 years old and diabetic, is in custody since 21.04.2016 and the investigation qua him are over and no useful purpose is going to be served by keeping him in custody as the trial is not likely to be concluded in near future.

Learned State Counsel assisted by HC Gurcharan Singh does not refute the role attributed, custody period and that investigation qua Petitioner are over.

Without commenting on the merits of the case, keeping in view the custody period; investigation qua petitioner are over and that the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

(JASWANT SINGH)
JUDGE

June 03, 2016
Vinay