

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

CRM-M No. 6873 of 2016 (O&M)

Date of Decision: 02.03.2016

Malkiat Ram and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. L.M. Gulati, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Satnam Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioners-Malkiat Ram (husband/petitioner No. 1 herein) and Kailash Devi (wife/petitioner No. 2 herein) in case FIR No. 109, dated 26.08.2015, for offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, registered at Police Station "B" Division, Amritsar.

At the outset, learned counsel for the petitioners wishes to withdraw the prayer for bail qua petitioner No. 1 (Malikat Ram).

Prayer for grant of regular bail in the aforesaid FIR is pressed only on behalf of Kailash Devi (respondent No. 2), wife of Malkiat Ram (petitioner No. 1).

It is contended that admitted accused/petitioner No. 1-Malkiat Ram, is the owner of the property, who had entered into an

agreement to sell with the complainant-Parminder Kaur and received a sum of Rs. 10 lacs as earnest money out of the total consideration. The role attributed to Kailash Devi (petitioner No. 2) is that of only being attesting witness to the execution of the agreement to sell, extending of time for execution of the sale-deed, as also receipt of the earnest money. It is, thus, contended that no offence is made out against petitioner No. 2 (Kailash Devi). It is next contended that petitioner No. 2 is in custody since 01.09.2015 and investigation qua her are over and challan has been presented.

Learned State Counsel, assisted by ASI Satnam Singh does not dispute the custody period of petitioner No. 2, as also presentation of challan.

Without commenting on the merits of the case, keeping in view the facts noticed above and custody period of petitioner No. 2, no useful purpose would be served by keeping her (Kailash Devi) in custody since the trial is not likely to be concluded in near future, the present petition is partly allowed and petitioner No. 2 is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Prayer for bail on behalf of accused/petitioner No. 1 (Malkiat Ram) stands dismissed as withdrawn.

March 02, 2016

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(JASWANT SINGH)
JUDGE