

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

- (1)

CRM-M-32539 of 2016

Usha Devi

...Petitioner
- Versus
- State of Punjab

...Respondent
- (2)

CRM-M-34210 of 2016

Des Raj

...Petitioner
- Versus
- State of Punjab

...Respondent
- (3)

CRM-M-39224 of 2016

Rupinder Sharma

...Petitioner
- Versus
- State of Punjab

...Respondent
- (4)

CRM-M-40238 of 2016

Saroj Rani

...Petitioner
- Versus
- State of Punjab

...Respondent
- (5)

CRM-M-9712 of 2017

Kulwinder Kumar

...Petitioner
- Versus
- State of Punjab

...Respondent

Date of decision:-18.7.2017

CORAM : HON' BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Rakesh Kumar, Advocate
for the petitioner in CRM-M-32539 of 2016.

Mr.Gulzar Mohd., Advocate
for the petitioner in CRM-M-34210 of 2016.

Mr.Ravi Malhotra, Advocate
for the petitioner in CRM-M-39224 of 2016.

Mr.Ravi Malhotra, Advocate
for the petitioner in CRM-M-40238 of 2016.

Mr.Amit Dhawan, Advocate
for the petitioner in CRM-M-9712 of 2017.

Mr.K.S. Aulakh, DAG, Punjab.

Ms.Satinder Kaur, Advocate
for the complainant.

H.S. MADAAN, J.(ORAL)

Vide this order, I propose to dispose of five petitions for grant of pre-arrest bail i.e. **CRM-M-32539 of 2016** filed by Usha Devi, **CRM-M-34210 of 2016** filed by Des Raj, **CRM-M-39224 of 2016** filed by Rupinder Sharma, **CRM-M-40238 of 2016** filed by Saroj Rani and **CRM-M-9712 of 2017** filed by Kulwinder Kumar, all of them being accused in FIR No.141 dated 20.7.2016, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, Police Station Nakodar, District Jalandhar.

In nutshell, the allegations as per prosecution version are that one Sulakshna Kumari daughter of Amar Chand son of Batan Chand, resident of village Bath Kalan, Tehsil Nakodar, District

Jalandhar owned 6 Kanals 3 Marlas, 4 sarsai of the agricultural situated at village Bath in her capacity as co-sharer in the joint *khata*. Unfortunately, Sulakshna Kumari expired in the year 2003 leaving behind her husband and children as LR's. Accused Saroj Rani and others hatched a criminal conspiracy and got transferred such land of Sulakshna Kumari in name of Saroj Rani wife of Vijay Kumar by way of impersonation vide sale deed dated 3.1.2012. Subsequently, Saroj Rani transferred land measuring 4 Kanals in favour of Usha Devi wife of Ashwani Kumar vide sale deed dated 19.5.2015 and that sale deed was witnessed by Kulwinder Kumar, Lambardar and Amarjit Singh, who were aware of the factual position. As a matter of fact, the land was transferred fraudulently.

The criminal machinery was set into motion by one Balwinder Singh, attorney of Jaswant Singh, a co-sharer in the joint *khata*. Formal FIR under Sections 419, 420, 465, 467, 468, 471 read with Section 120-B IPC was registered with police of Police Station Nakodar, District Jalandhar.

Apprehending their arrest, the accused had approached the Court of Sessions for grant of pre-arrest bail but they were unsuccessful there, as such, they filed the similar petitions in this Court.

Notice of the petitions was given to the State.

The petitioners were granted interim bail to enable them to join the investigation. The State counsel on instructions from ASI Nirmal Singh from Police Station Nakodar states that petitioners have since joined the investigation and they are not required for further investigation.

Learned counsel for the petitioners have argued that the matter has since been compromised between the petitioners Usha Devi, Saroj Rani and Rupinder Sharma on one part and LRs of Sulakshna Kumari on the other part. My attention has been drawn to the memo of oral family settlement dated 24.12.2013 and affidavits of Sandeep Kumar (son), Surender Sharma (husband), Veena Kalia (daughter), Sanjeev Kumar (son) and Meenakshi (daughter) of Sulakshna Kumari wherein they have conceded the factum of such settlement having been reached.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for the complainant besides going through the record.

The dispute which is said to have been settled amicably happened to be between closed elations. The petitioners have since joined the investigation and they are not required by the police for further investigation. It being so their custodial interrogation is not found to be necessary.

Keeping in view all facts and circumstances, it is found proper and appropriate, if pre-arrest bail is granted to the petitioners, especially when two of them are women. Therefore, interim bail granted to the petitioners is made absolute by way of acceptance of the petitions, subject to fulfilment of conditions under Sections 438(2) Cr.P.C. which are as under:

- 1) that they shall make themselves available for interrogation by a police officer as and when required;*
- 2) that they shall not directly or indirectly make any*

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and;

- 3) *that they shall not leave India without the previous permission of the Court.*
- 4) *that they shall surrender their passports before the Investigating Officer. If any one of them do not have passport then such petitioner(s) would furnish affidavit in that regard.*

Petitions stand disposed of accordingly.

18.7.2017
Brij

(H.S.MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No