

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

CRM-M-26091-2018 (O&M)

Date of Decision:- 10.7.2018

Varinder Kaur @ Neha Walia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ritesh Pandey, Advocate, for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Harminder Singh, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

Reply of SI Sham Lal, SHO, Police Station City Gurdaspur has been filed. The same is taken on record.

The petitioner seeks grant of anticipatory bail in respect of FIR 86, dated 27.4.2018, under Sections 420, 463, 468 and 471 IPC, Police Station City Gurdaspur, District Gurdaspur lodged at the instance of Sukhdev Singh.

The allegations, in nutshell, as leveled in the FIR are that the petitioner had been using two different identities at various forums and had cheated various persons. Another allegation pertains to the effect that though the petitioner had entered into an agreement for sale of a plot

measuring 10 marlas in favour of complainant-Sukhdev Singh but had not executed the sale deed. It is further alleged that previously the petitioner had got a false FIR i.e. FIR No. 100 dated 8.6.2017, registered at Police Station City Gurdaspur, against the complainant and other persons which ultimately, after inquiry, was found to be false and in which cancellation report had already been submitted.

The learned counsel for the petitioner has submitted that in fact the maiden name of the petitioner was Varinder Kaur Atwal and after her marriage to Ravinder Walia resident of Mumbai, she changed her name to Neha Walia and because of which her name figures in some record as Neha Walia and at some places as Varinder Kaur Atwal. It has further been submitted that as regards agreement for sale of 10 marlas of land, the said land in question had been previously sold by son of complainant Mandeep Singh as attorney to the petitioner and that subsequently a forged agreement was got prepared by obtaining signatures of petitioner on the pretext that some NOC is to be got issued, by son of the complainant who is working in the police. It has further been submitted that FIR No. 100 dated 8.6.2017, P.S. City Gurdaspur had been lodged by petitioner as the complainant had not handed over possession of the property in question despite having executed a sale deed and that since the possession of the same had not been handed over, she had moved an application to the police and reacting to the same the complainant and others had entered into her house and caused injuries and for which she had got FIR No. 100 dated 8.6.2017 lodged at Police Station City Gurdaspur which has been not properly investigated and a cancellation report has been filed.

The learned State counsel assisted by counsel for the complainant has however opposed the petition and have submitted that in view of the serious nature of allegations and the fact that custodial interrogation would be required, there is no ground for grant of anticipatory bail is made out.

Having considered the rival submissions, I find that it is not uncommon that ladies change their names after marriage though of course it is expected that they would not keep on using the maiden name as well. As regards the allegation that the petitioner had not executed the sale deed in favour of the complainant despite having entered into an agreement for sale of the same, it would be a debatable issue as to whether the same would constitute just a civil matter or as to whether the same would attract criminal liability as well on account of misrepresentation, if any.

As regards allegation of lodging false FIR No.100 dated 8.6.2017 lodged at Police Station City Gurdaspur, though, a cancellation report in respect of FIR No. 100 dated 8.6.2017, registered at Police Station City Gurdaspur is stated to have been submitted but the same has not been accepted so far and at this stage it cannot be said that the said FIR had been lodged falsely.

Having considered the facts and circumstances of the case and bearing in mind the fact that the petitioner is a lady, in my opinion, it is a fit case for grant of anticipatory bail. The petition merits acceptance and is accepted. The petitioner, in the event of arrest, shall be released on anticipatory bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner

shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

This petition stands disposed of accordingly.

July 10, 2018

mohan

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No