

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 474 of 2019**

Smt. Jasvinder Kaur @ Puppy Kaur Wd/o Late Shri Harpal Singh Aged About 56 Years R/o Khandu Para, Dongargarh, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh Through The District Magistrate, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Shri Harjinder Singh S/o Ravel Singh Aged About 61 Years Nagpur Naka, Behind Kakkad Auto, Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Respondents

For the Applicant	:	Shri Anand Shukla, Advocate.
For the Respondent/State	:	Shri H.S. Ahluwalia, Dy. A.G.
For the Objector	:	Shri Vijay Kumar Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.05.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Complaint Case No. 25841 of 2013, which is pending before the Court of Judicial Magistrate First Class, Durg, District - Durg, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant is a woman aged about 56 years, she has not committed any offence and a false complaint has been brought against her. As the Court concerned has issued permanent warrant of arrest against this applicant, this applicant is apprehending arrest. The applicant intends to participate and contest in the trial. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel/ respondent No.1 opposes the bail application and the submissions made in this respect. It is submitted that the anticipatory bail application of one co-accused has been rejected by this Court and the SLP filed before the Supreme Court has also been rejected. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Learned counsel for respondent No.2 objects the submissions made in this respect and submits that this applicant has successfully avoided the service of process on her and because of her, the trial in this case is lingering. Hence, no case is made out for grant of anticipatory bail to the applicant.

6. Heard counsel for both the parties and perused the case diary.

7. The complaint has been filed by complainant – Harjinder Singh that his property was sold out by this applicant with the help of other co-accused persons. The sale deed was executed on 13.12.2006 in which this applicant

on the basis of forged power of attorney impersonated as Manjit Kaur, sister of Harjinder Singh and executed sale deed. Hence, this case.

8. Considering the fact that the anticipatory bail applications of the similarly placed other co-accused persons have been rejected by the Co-ordinate Benches of this Court, I do not feel inclined to grant anticipatory bail to the applicant.

9. Accordingly, the anticipatory bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge