

CRM-M-47867 of 2019

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

CRM-M-47867 of 2019
Date of Decision: 02.03.2020

Karamjit Kaur

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Kanwaljeet Singh Brar, Advocate, for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.
Ms. Promila Nain, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.97 dated 18.10.2019 registered under Sections 406, 409, 420, 465, 467, 468, 471, 120-B IPC at Police Station Khamano, District Fatehgarh Sahib.

According to prosecution, petitioner, whose husband is a revenue patwari, cheated complainant Sumitra Devi for ₹89.00 lakh by withdrawing her compensation through one tout Mohinder Singh @ Billu, furnishing a false affidavit before the Land Acquisition Collector to transfer her amount in the Bank of Maharashtra, where she had no account. During investigation, police recorded statement of Bank Manager, in which he stated that, in fact, petitioner had misrepresented herself as Sumitra Devi.

Learned counsel for the petitioner *inter alia* contends that entire amount has been deposited in the account of co-accused Mohinder Singh @ Billu. Petitioner is not named in the FIR. Mohinder Singh @ Billu is still at large. Husband of the petitioner is in custody. During investigation for

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five days, nothing could be extracted from the husband of the petitioner. For the purchase of plot by petitioner, amount was paid by her father and brother, besides loan of ₹4.90 lakh from a private finance company. There is none to look after minor children of the petitioner. Similar FIR was registered against the petitioner, in which compromise was arrived at.

Refuting above submissions, learned counsel for the complainant submits that Mohinder Singh @ Billu was used as a tout by the petitioner. Entire amount of ₹89.00 lakh of the land acquisition compensation awarded by the Land Acquisition Collector to complainant Sumitra Devi has been usurped by the petitioner by furnishing a false affidavit of complainant Sumitra Devi before the Land Acquisition Collector to transfer her compensation amount in the Bank of Maharashtra, where complainant had not account. Petitioner to circumvent entire forgery got made some entries in her bank accounts.

Considering overall facts and circumstances and the fact that complainant has been cheated for a huge sum of ₹89.00 lakh, which was awarded to her as a compensation against acquisition of her land, by the petitioner, her husband and co-accused Mohinder Singh @ Billu, petitioner is required for custodial interrogation to unearth entire fraud and their *modus operandi* besides recovery of cheated amount.

Dismissed.

March 02, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No