

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33812 of 2018
Date of decision :23.01.2020

Sukhraj Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.Inderjit Sharma, Advocate, for the petitioner.

Ms.Rashmi Attri, AAG, Punjab.

Mr.Vipin Mahajan, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in a case registered against her vide FIR No.97 dated 15.07.2018 under Sections 420, 467, 468, 471 IPC at Police Station Dera Baba Nanak Police District Batala, Tehsil Dera Baba Nanak, District Gurdaspur.
2. The allegations, in nutshell, as per FIR, lodged at the instance of Balwant Singh, are that the petitioner had previously been married to Harjit Singh, son of the complainant, but subsequently, the said marriage was got dissolved in the year 2008 by decree of divorce by mutual consent. It is alleged that subsequently the petitioner solemnized marriage with Rajbir Singh Goraya in the year 2009 and started residing with him. It is further alleged in the FIR that the complainant's son Harjit Singh expired in April, 2017, but somehow the petitioner, after death of Harjit Singh, got a mutation in respect of land belonging to Harjit Singh sanctioned in her favour and also in favour of two sons from the previous marriage with Harjit Singh and

also in favour of her mother-in-law i.e. Harjit Singh's mother on the basis of forged documents.

3. Learned counsel for the petitioner has submitted that although he does not deny that the marriage of petitioner with Harjit Singh was dissolved by decree of divorce on 20.12.2008 and that immediately thereafter she contracted a paper marriage with Rajbir Singh Goraya on 02.01.2009, who was settled in USA but the said marriage with Rajbir Singh was contracted with the consent of her husband Harjit Singh for the purpose of settling their two sons in America. It has been submitted that despite the said second marriage, the petitioner had always been residing together with Harjit Singh as husband and wife. The learned counsel in this regard has drawn the attention of this Court to a document of the year 2013 i.e. Annexure P-3, which is in the nature of a nomination in respect of the pensionary benefits of Harjit Singh as he had been serving in CRPF, whereby, the name of the wife is mentioned therein as Sukhraj Kaur. Learned counsel has also drawn the attention of this Court to a notice got issued at the instance of the complainant in a newspaper on 09.01.2010 wherein also, he had virtually admitted the petitioner to be his daughter-in-law. The said notice reads as follows:

“I Balwant Singh S/o Hazara Singh R/o Bhagthana Tulian Gurdaspur, states that my son Harjit Singh, daughter-in-law Sukhraj Kaur and grandsons Amandeep Singh, Damandeep Singh are out of my control. I disinherit them from my movable and immovable property. Who so ever having transaction with them, shall be sole responsible.”

4. Learned counsel has further submitted that in these circumstances, no fault can be found in the mutation in respect of the property of deceased Harjit Singh and the said mutation was got sanctioned not only just in the name of petitioner but also in the name of the two sons of deceased Harjit Singh and also in favour of mother of Harjit Singh.
5. Opposing the petition the learned State counsel assisted by counsel for the complainant has submitted that mutation in question had been got sanctioned on the basis of forged documents as the petitioner had furnished Aadhar Card (R-7) wherein, she has incorrectly disclosed herself as wife of Harjit Singh, whereas in various other documents like marriage Registration Certificate, Passport and other documents annexed with the reply (Annexure R-3 to R-7) the petitioner had shown herself to be wife of Rajbir Singh.
6. Learned State counsel has submitted that in the present case, co-accused-Vikramjit Singh has since been arrested who had allegedly impersonated as Mandeep Singh at the time of sale deed in respect of the property mutated in favour of the petitioner and her son which had been sold by them after sanction of mutation.
7. I have considered the rival submissions addressed before this Court.
8. The present case is mainly on the basis of documentary evidence. Although the documents which have been referred to by the learned counsel for the petitioner would show that marriage of the petitioner with Harjit Singh stood dissolved but at the same time there are certain documents which would also tend to show that despite the

said divorce, they had been residing together. Bearing the aforesaid facts in mind and the fact that petitioner is a lady, it is not a case which would require custodial interrogation, being mainly based on documentary evidence.

9. The petition, as such, is accepted and the petitioner in the event of arrest, she be released on 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 Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.
10. It is, however, clarified that none of the observations made above shall be construed to be an expression on the merits of the main case.

23.01.2020
anil

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned **Yes/No.**

Whether reportable **Yes/No.**