

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

CRM-M-1637-2019 (O&M)

Date of decision:07.07.2021

Manisha Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vijay Lath, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

Mr. Nagar Singh, Advocate for
Mr. A.S. Shera, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.1182 dated 12.12.2018 registered under Sections 120-B, 419, 420, 467, 468, 471 and 506 IPC at Police Station Central Faridabad, District Faridabad.

Learned counsel for the petitioner contends that the petitioner is neither the vendor, nor vendee or witness to the sale deed dated 24.09.2018 and hence, being not a beneficiary, in any manner, her false implication is per se on record. It is further contended that another case bearing FIR No.940 dated 15.09.2018 under Sections 120-B, 419, 420, 467, 468 and 471 IPC, Police Station Central Faridabad, District Faridabad, was got registered against the petitioner by one Swaran Lata Aggarwal, widow of Gyan Prakash Aggarwal, regarding the same property and leveling the

similar kind of allegations. The learned counsel, thus, contends that there cannot be two prosecutions on the same cause of action containing same set of allegations and, therefore, the said action of the police, amounts to a double jeopardy. It is yet further submitted that in FIR No.940 dated 15.09.2018, the petitioner has been granted ad interim anticipatory bail by a Coordinate Bench of this Court and she deserves the same relief in the present case as well.

On the other hand, the learned State counsel assisted by the learned counsel for the complainant, vehemently opposes the bail plea by asserting that the petitioner has played a role of a key conspirator in the crime and hence, she does not deserve any indulgence from this Court. While reading into the contents of the FIR, it is submitted that the original owner of the property, Gyan Prakash Aggarwal died on 20.08.2003, whereas the alleged GPA and the Will were executed on 18.06.2018 and 04.06.2018, respectively, in the petitioner's name. It is further argued that during the course of investigation, co-accused Jaya Sharma suffered a disclosure statement regarding the conspiracy hatched by the petitioner.

While referring to the reply filed by the State, it is pointed out that during the course of investigation, it also surfaced that the petitioner would go to the bank to withdraw the money; fill in the cheques and withdraw the amount from the account of the impersonator of Gyan Prakash Aggarwal. Such acts were duly recorded in the CCTV footage of the bank.

On the strength of the aforesaid factual position, it is argued by the State counsel and the counsel for the complainant that the custodial interrogation of the petitioner to unearth the execution of the forged and

fabricated documents and opening of a bank account in the name of a dead person by impersonation, is must and hence, the petitioner does not deserve the concession of anticipatory bail.

I have heard the learned counsel for the parties.

The counsel for the petitioner though has argued the case from the point of view of the petitioner's being not a beneficiary in any manner and hence, pleaded her false implication. Much emphasis has also been laid on registration of another case bearing FIR No.940 dated 05.09.2018 on the same set of allegations and same cause of action.

However, I do not find any merit in the said contentions of the learned counsel for the petitioner.

As pointed out by the learned State counsel and the learned counsel for the complainant, the petitioner is part and parcel of the execution of the GPA and Will in her favour in the year 2018, from a person who died in the year 2003. In the CCTV footage of the bank as well, the presence of the petitioner was recorded in the bank; her filling out the cheques and withdrawing the amount from the bank, from the account of late Gyan Prakash Aggarwal, with the help of the impersonator. Besides, the petitioner has been in possession of the plot in question and an electricity connection has also been issued in her name.

It may be noticed that in another petition bearing CRM-M-51172-2018, it has been recorded in the order dated 29.04.2019 passed by a Coordinate Bench of this Court that the counsel for the petitioner stated that the petitioner had no objection if possession of the house in question is taken by the legal representative of the actual owner. This fact clearly

shows that the petitioner was/is possession of the plot in question and the electricity connection was also issued in her name. It is, however, not coming forth as to how and under what authority, she came into the possession of the said plot. Prima facie, the factum of her being in possession of the plot in question, strengthens the allegations contained in the FIR.

In view of the above, no ground is made out to grant anticipatory bail to the petitioner.

Dismissed.

07.07.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No