

In virtual Court

CRM-M-5333-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5333-2021 (O&M)
Date of decision: 10.02.2021

Ran Kaur

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. G.C. Shahpuri, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.371 dated 27.11.2019 under Sections 420, 406, 323, 506 IPC, registered at Police Station Farakpur, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner is a lady aged about 39 years and she is not maintaining good health, as she had donated kidney to her brother by obtaining permission in accordance with law. As per allegations in the FIR, the petitioner is owner of a house, which was mortgaged with Andhra Bank for obtaining a loan of Rs.10.00 lacs, however, the petitioner executed the GPA in favour of her husband, who has further sold

the same to son of the complainant and while executing the sale deed, this fact was not brought to notice of the complainant that there is a loan outstanding on the property. It is further submitted that in fact, the petitioner has only executed a GPA in favour of her husband, who also stands arrested; investigation is complete; she is not involved in any other case; offences are triable by the Court of Magistrate.

Learned State counsel, assisted by learned counsel for the complainant, has, however, opposed the prayer on the ground that intention of the petitioner as well as her husband was to cheat the complainant by not disclosing that the house in dispute was, in fact, mortgaged with the bank and the loan is outstanding.

In reply, learned counsel for the petitioner has submitted that to show his bonafide and to explore the possibility of some settlement, the petitioner will deposit an amount of Rs.2.00 lacs with the Illaqa Magistrate, without prejudice to her right of defence and subject to final outcome of the case.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case, investigation is complete; challan stands presented; offences are triable by the Court of Magistrate and the petitioner is in custody since 03.12.2020, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

This will, however, be subject to the condition that the petitioner

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will deposit an amount of Rs.2.00 lacs with the Illaqa Magistrate, to be kept in an FDR within a period of 30 days from today, without prejudice to her right of defence and subject to final outcome of the case.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

10.02.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No