

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

201

**CRM-M-18712-2021(O&M)
Decided on : 17.05.2021**

PHOOLWATI

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Yashvir Kharab, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana
assisted by ASI Vinod Kumar.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.731, dated 15.09.2020 under Sections 420, 467, 468, 471, 472, 473, 474 and 120-B of the IPC registered at Police Station Panipat City, District Panipat.

Learned counsel inter alia contends that in fact petitioner is victim of fraud at the hands of accused Sukhdev Raj and some officials of Revenue Department and has been falsely implicated in the case in hand. He further contends that the petitioner was a bona fide purchaser of the property, which was sold to her by co-accused Sukhdev Raj, for which she paid a total consideration of Rs.2,40,000/- to him, however, later on it was the co-accused who forged the mutation while entering into the revenue record. Learned counsel has also submitted that the non-complicity of the petitioner is evident from the fact that the alleged sale deed was prepared on stamp papers which were purchased by none other than the petitioner herself and later on handed over by her to the co-accused in good faith for carrying out remaining work with respect to the registration of the Sale deed as she was an illiterate lady.

Learned counsel has submitted that the petitioner has been in custody since 19th March 2021 and there is no likelihood of the trial concluding anytime in the near future on account of surge in COVID-19 cases. He has also submitted that the offences are triable by Magistrate hence the petitioner who is a lady and senior citizen may be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from ASI Vinod Kumar has submitted that challan is ready and is likely to be presented in the near future. She further submits that the delay in the filing of the challan has been on account of the prevailing conditions of COVID-19.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 17, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*