

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20587-2021

DATE OF DECISION: MAY 27, 2021

ANU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MANOJ PUNDIR, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Anu has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.480 dated 1.5.2019, under Section 419, 420, 467, 468, 471, 120-B IPC, Police Station Jagadhari, District Yamuna Nagar. The petitioner is in custody since her arrest on 9.3.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Yamuna Nagar at Jagadhari in the order dated 18.5.2021, are as under:-

“The brief matrix of the present case sans dispensable details is that a complaint was filed by complainant Kanwaljeet Kaur to the police against the accused persons and it was alleged by her that applicant/accused alongwith co-accused in collusion with each other cheated the complainant by registering forged agreement to sell no 11053 dated 14.01.2016 of the plot of complainant.”

Learned counsel for the petitioner contends that as per

prosecution, the petitioner impersonated as Kanwaljeet Kaur and sold the property in question in favour of purchaser Akshay Kumar by executing sale deed dated 14.1.2016. He submits that in fact prior to the sale deed, an agreement to sell between the parties was also executed by complainant Kanwaljeet Kaur herself, and the entire sale consideration was also deposited in her account, therefore, it is not a case of any wrongful gain by the petitioner. He submits that as the investigation of the case is complete, and the trial of the case is likely to consume considerable time, therefore, he prays for bail.

On the other hand, learned counsel for the State assisted by ASI Ved Pal has opposed the aforesaid prayer on the ground that the photograph of the petitioner was affixed on the sale deed and she impersonated as vendor (Kanwaljeet Kaur). However, it is not disputed that previously, the agreement to sell dated 16.2.2015 by Kanwaljeet Kaur was in favour of Akshay Kumar & Narender. He, on instructions, further states that the investigation of the case is complete as the final report stands filed.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer, particularly, when investigation of the case is complete. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the State governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after her

arrest on 9.3.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 27, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No