

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

**CRM-M-22047-2021
Date of Decision : 03.06.2021**

Babli

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Pavit Mattewal, Advocate
for the petitioner.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.200 dated 05.04.2021 under Sections 406, 420, 467, 468, 471 and 120-B (Section 474 IPC added later on), registered at Police Station Civil Line Karnal, District Karnal, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the basis of a confidential inquiry report from the Office of ADGP/CID Haryana, Panchkula, it is stated that the brother-in-law of the petitioner, namely Amit Kumar (since deceased), has tampered with the municipal record in the year 2015 showing the assessment/tax bill of the year 2001-02 of the disputed property in his occupation. It is further stated that later on, he has transferred the property on the basis of a transfer deed dated 31.07.2017 in favour of his brother Sanjay Kumar.

Learned counsel for the petitioner further submits that as per the investigation report, petitioner Babli, who is *Bhabhi* (Sister-in-law) of deceased Amit Kumar (main accused) who had executed the transfer deed, had been shown to be the wife of aforesaid Amit Kumar.

Learned counsel for the petitioner further submits that there is no allegation in the FIR or in the investigation that the petitioner was actively involved with the said Amit Kumar in preparation of the record which was presented before the authorities showing her to be the wife of Amit Kumar.

Learned counsel for the petitioner further submits that there is nothing on record to show that there was any meeting of mind of the petitioner with Amit Kumar, who is stated to have died.

Learned counsel for the petitioner further submits that even otherwise, there is no allegation against the petitioner that she was a beneficiary.

Notice of motion.

Mr. Amit Aggarwal, DAG, Haryana, who is also appearing through video conferencing accepts notice on behalf of the respondent-State.

Learned State counsel, on the basis of inquiry report as well as the allegation in the FIR does not dispute the factual position.

After hearing learned counsel for the parties and going through the transfer deed dated 31.07.2017, it is apparent that Amit Kumar has transferred the property in favour of his brother namely Sanjay Kumar and in the transfer deed, there is no reference of the petitioner either being the transferer or the beneficiary. The only allegation against the petitioner is that Amit Kumar has submitted some documents of proof in which the petitioner was shown to be the wife of deceased Amit Kumar and also in view of fact that petitioner is a lady, aged about 57 years, and has no record of any criminal antecedents, the present

petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing her a written notice in this regard.

03.06.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No