

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-33960 of 2021
Date of decision:02.09.2021

Jasvir Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Bhavnit Kaur, Advocate and
Ms. Aarti Kaur, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL J.

Heard through video conferencing.

Vide the instant petition filed under Section 438 of the Code of Criminal Procedure, 1973, the petitioner seeks grant of anticipatory bail in FIR No.40 dated 22.07.2021 registered for offences under Sections 419, 420, 465, 467, 468, 471, 120-B of Indian Penal Code, 1860 and Section 82 of the Registration Act, 1908 at Police Station Mukandpur, Tehsil Garshankar, District Hoshiarpur, Annexure P-1.

As per the version of the prosecution, FIR, Annexure P-1, has been registered against 05 accused on the complaint of Gurinder Singh on the allegation that he had been allured to enter into an agreement to purchase 25 Kanals 8 ½ Marlas of land belonging to Sodhi Singh, brother of Jasvir Kaur (present petitioner), who informed the petitioner that she is his

Attorney. He paid her a huge amount and was given the possession of land. When he went to get the sale deed registered, he came to know that the Power of Attorney in favor of Jasvir Kaur was forged and after he confronted her with this fact, she executed another Power of Attorney in his favour, which however, she later cancelled and entered into an agreement to sell with some other person for the sale of land.

Denying the accusations levelled in the FIR, Annexure P-1, counsel for the petitioner has contended that the petitioner is a money lender and has conned the petitioner into entering into an agreement for sale of land belonging to her brother, who is missing. She submits that a DDR entry has been made regarding her missing brother on 23.06.2011 and a proclamation and an advertisement have also been published. Counsel urges that the petitioner was in need of money and she took a loan from the complainant, who made her sign certain documents, which have been misused. Reference has been made by the counsel to the civil litigation instituted by the petitioner. She submits that in this scenario the custodial interrogation of the petitioner, who is innocent, is not required.

On the other hand, learned state counsel upon instructions from SI Pavittar Singh has opposed the petition and submitted that on 05.01.2012, Kashmir Kaur alias Jasvir Kaur (present petitioner) got prepared a fake General Power of Attorney of her missing brother Sodhi Singh from the office of Registrar, Garshankar in connivance with Charan Das Sharma, deed writer alongwith Gurnam Singh and Joginder Singh, Numberdar, who were the attesting witnesses and on the basis of the said

Power of Attorney, she entered into the agreement to sell with the complainant. Over the period of time, she received Rs.45.00 lacs from him and gave him the possession of land and assured him that the sale deed will be executed. When the complainant came to know about the forged Power of Attorney, he confronted Jasvir Kaur, who executed a Power of Attorney on 27.01.2014, in his favor which she cancelled by serving a legal notice upon him. After a suit filed by her for declaration that her brother, who is missing be presumed to be dead, was decreed, she got the land mutated in her name and entered into an agreement to sell on 04.05.2021 with Jarnail Singh for 12 kanals out of the said land and received earnest money of Rs.2.00 lakhs from him. State counsel submits that finding a *prima facie* case against her, the enquiry officer recommended the registration of FIR against Jasvir Kaur alias Kashmir Kaur, Charan Das Sharma, deed writer, Gurnam Singh and Joginder Singh, Numberdar attesting witnesses and an unknown person, who impersonated as Sodhi Singh

I have considered the respective submission of the parties.

From the facts and circumstances noticed above, it is apparent that there are specific and direct allegations against the petitioner and co-accused of having misrepresented and duped the complainant of a huge amount of money. It appears that the petitioner is the brain behind the fraud. Probability of dishonest intention to cheat and embezzle the amount cannot be ruled out. Custodial interrogation of the petitioner is, therefore, imperative to unearth the entire gameplan as well as to ascertain the identity

of the person, who impersonated as Sodhi Ram and acted in collusion with the petitioner. Merely because the petitioner is a lady is not an extenuating circumstance to grant her bail as powers under Section 438 Cr.P.C. are to be sparingly used.

In view of the aforesaid discussion, this Court does not find any special case for grant of anticipatory bail to the petitioner. The petition is sans any merit and the same is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

September 02, 2021
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No