

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

105

CRM-M-38553-2020

Date of decision: 25.02.2021

Sarabjit Kaur @ Sabbo

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kanwaljit Singh, Senior Advocate with
Mr. Harmeet Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, Asstt. AG, Punjab
for respondent-State.

Mr. Ajiteshwar Singh, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (second) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.113 dated 04.11.2019 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 in Police Station City Nakodar, Jalandhar.

First application filed by the petitioner for grant of regular bail was dismissed as withdrawn by this Court vide order dated 12.06.2020 passed in CRM-M-5457-2020 (O&M).

The above-said FIR was registered on complaint made by Sukhdeep Singh who alleged that accused Davinder Singh Walia along with Harjit Singh, Palwinder Singh and one unknown lady who falsely impersonated as Usha Rani forged power of attorney and executed three sale deeds in favour of the complainant on the basis thereof regarding the land situated in Village Seham, Tehsil Nakodar, District Jalandhar

owned by Usha Rani and defrauded the complainant for amount of Rs.1,68,50,000/-.

The petitioner, who is in custody since 02.12.2019, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Senior Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the relevant record.

Learned Senior Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner is an illiterate woman aged about 44 years. The petitioner is alleged to have executed power of attorney in favour of Davinder Singh Walia by falsely impersonating as Usha Rani. The petitioner was persuaded by co-accused Davinder Singh Walia, who is father of her friend, to sign some documents as witness before the Sub-Registrar. The petitioner being illiterate did not know about the nature and contents of the power of attorney alleged to have been executed by her. Davinder Singh Walia got power of attorney executed from the petitioner by taking undue advantage of her illiteracy. The petitioner is also suffering from various ailments and previously suffered two paralytic attacks in the jail. The offences involved are triable by Judicial Magistrate First Class. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular

bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that the petitioner by falsely impersonating as Usha Rani executed the power of attorney in favour of Davinder Singh Walia who defrauded the complainant of an amount of Rs.1,68,50,000/- by executing three sale deeds on the basis thereof and the petitioner actively participated in the fraudulent acts. In view of nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, role attributed to her, period of her custody, the fact that first proviso of Section 437 of the Cr.P.C. favours grant of bail to woman and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.02.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No