

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH
(Heard through Video Conferencing)**

Crl. Misc.M-42201 of 2020 (O&M)
Date of Decision: January 18, 2021

Raman Kumar Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vinay Jaidka, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. M.S. Sachdev, Advocate,
for the complainant.

JAISHREE THAKUR, J.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 201 dated 17.11.2020, under Sections 406/420 IPC registered at Police Station Navi Baradari, Jalandhar.

As per the averments made in the FIR, the complainant—Asha Rani, who is none other than the sister of the petitioner, has alleged that she is 78 years old illiterate widow and her brother, petitioner herein, got transferred her share in the ancestral House No. 41, Subhash Nagar, Jalandhar, in his name by producing some other lady before the Sub

Registrar. In fact, the petitioner had made her sign some documents on the pretext that he needs a guarantor to get loan passed and no consideration ever exchanged between the two in respect of sale or transfer of the aforesaid property.

Learned counsel for the petitioner contends that the petitioner herein has been falsely implicated in this case. In fact, a civil suit for partition of the property in dispute is already pending between the parties before the Civil Judge, Jalandhar. It is also submitted that the instant FIR is nothing but a counter-blast to the FIR 67 dated 17.11.2017 registered under Sections 420/465/467/468/471 IPC at Police Station Satnampura, Phagwara, District Kapurthala, against Manoj Kumar, power of attorney holder of the complainant. It is also submitted that on the same set of allegations, the complainant had made a complaint against the petitioner earlier also, which was ultimately dismissed on 12.3.2020 by the Sub Divisional Magistrate, Jalandhar and, therefore, the instant FIR is nothing but an abuse of process of law. It is further submitted that in any case the entire case hinges on the documentary evidence and as such arrest of the petitioner for custodial interrogation is not required. It is further submitted that the petitioner is 63 years old, who is suffering from advanced stage of lung cancer and is under medical treatment. It is also submitted that the petitioner requires chemotherapy and his heart is functioning upto 30% only. In support of the fact that the petitioner suffering from lung cancer and other ailments, the medical documents have been annexed collectively as Annexure P/2, which

shows that the petitioner is getting treatment from the Postgraduate Institute of Medical Education and Research, Chandigarh.

Per contra, learned counsel appearing on behalf of respondent-State as well as the complainant vehemently oppose the grant of anticipatory bail to the petitioner on the ground that he played a fraud on his real sister by getting transfer deed executed in respect of the property in dispute by producing someone else, who is not the actual seller of the property.

I have heard learned counsel for the parties and have gone through the documents relied upon by the learned counsel for the parties.

The petitioner has allegedly played a fraud with his real sister in respect of her share in the property in dispute by getting a transfer deed executed, while producing some one else who was not the original owner. The complaint filed by the complainant was looked into by Ms. Vatsala Gupta, IPS, who found that the pedigree table attached with the transfer deeds was not a correct one and they require to be investigated. It is on the basis of her report that the aforesaid FIR came to be registered.

However, at this stage, without commenting on the merits of the case and keeping in view the medical condition of the petitioner, the petition is allowed and the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on bail subject to his furnishing bonds of ₹50,000/- to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to

join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

January 18, 2021
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No