

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-42717-2020
Date of decision: 19.01.2021

Choti Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 113 dated 30.03.2016, registered under Sections 406, 419, 420, 467, 468, 471, 120-B of the IPC at Police Station Bhondsi, District Gurugram.

Learned counsel for the petitioner relies upon order dated 21.09.2020 passed in CRM-M-15219-2020, vide which co-accused Devender has been granted concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as per allegations in the FIR, co-accused Choti Devi, pretending herself to be daughter of one Sati Nath, filed a petition before the Collector to declare her Bhondedar/Dholidar under the Haryana Dholidar, Mukrimar and Bhondedar Act, 2020. It is further

submitted that later on, said Choti Devi entered into an agreement to sell with co-accused Gagan Vashisht, who, after making the payment of Rs.21.00 lacs to her, got GPA and executed sale deed in the name of his mother Nirmala Devi. It is also submitted that role of the petitioner is that he has signed as a witness on the GPA, which was used by Gagan Vashisht for committing forgery and cheating.

Learned counsel for the petitioner further submits that similarly situated co-accused of the petitioner has already been granted the concession of bail by the Additional Sessions Judge and on a representation given by coaccused Gagan Vashisht that he and his mother will not claim any right on the basis of sale deed and will settle the dispute with complainant Satbir, he has been granted the concession of interim anticipatory bail vide order dated 15.09.2020 passed in CRM-M-27644-2020. It is also submitted that the petitioner, in this case, is in custody since 21.01.2020; investigation is complete; challan stands presented and it will take some time in conclusion of the trial.

Learned State counsel has not disputed the aforesaid factual position.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.”

Learned counsel for the petitioner further submits that as per allegations in the FIR, petitioner Choti Devi had impersonated her to be daughter of one Sati Nath and after obtaining an order from the Collector,

she entered into an agreement to sell with co-accused Gagan Vashisht.

Learned counsel further submits that aforesaid co-accused Gagan Vashisht has also been granted concession of interim anticipatory bail, vide order dated 15.09.2020 passed in CRM-M-27644-2020.

Learned counsel further submits that petitioner is an illiterate lady; aged about 60 years; she has no previous history of involvement in any other case and she is also not maintaining good health.

Learned counsel further submits that petitioner is in judicial custody for the last about one year; challan stands presented; the offences are triable by the Court of a Magistrate and the conclusion is likely to take some time as no prosecution witness has been examined so far.

Learned State counsel has not disputed the factual position but opposed the bail.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that petitioner is in judicial custody for the last about one year; co-accused have already been granted concession of regular bail/interim anticipatory bail; she is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail bonds and two local sureties to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

19.01.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*