

CRM-M-47914-2021
Date of decision-29.11.2021

Ramandeep Kaur Vs. **....Petitioner**
State of Haryana **...Respondent**

Present: Mr. G.S.Sandhu, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.

Petitioner has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.759 dated 20.12.2020 under Sections 406 and 420 Indian Penal Code, 1860 registered at Police Station Assandh, District Karnal. The petitioner apprehended his arrest at the hands of Police.

“It is submitted that on 11.03.2011 land measuring 1814 Marla situated at Assandh was acquired for water treatment plant as per award dated 11.03.2011, in which Hon'ble High Court at Chandigarh vide order dated 26.02.2016 had enhanced the compensation in favour of the land owners regarding acquired land from Rs.36,16,703/- to Rs.50,31,370/- per acre and total amount Rs.4,32,29,532/- was disbursed by the Department to the land owner as per rules. One legal notice dated 16.09.2020 issued by Sh.R.P.Singh Bhatia, Advocate Chamber No.25, Sub-Divisional Court, Assandh, District Karnal was received by the Department, wherein it was demanded to grant Rs.25,24,851/- as enhanced amount of acquired land to Rupinder Kaur d/o Sukhwant Singh, ward No.15, Assandh, District Karnal, regarding which record was thoroughly perused by the Department and after perusal, it was found that the Department had acquired total land measuring $110+100=210$ marla of Rupinder Kaur D/o of

Sukhwant Singh, out of which land measuring 110 marla was situated at one place and land measuring 100 was at different place, so the payment was also made in two steps as per list. In first step, amount of Rs.24,79, 699/- was made but in the list due to error name of Ramandeep Kaur d/o Sukhwant Singh, land owner ward No.11, near Assandh has been written instead of Rupinder Kaur d/o Sukhwant Singh and payment Rs.22,54,244/- has also been made in the same name in account No.215801501600, ICICI Branch Assandh, whereas the said account has been got opened by accused Ramandeep Kaur D/o Sinder Singh r/o Jind Chowk Assandh, District Karnal. Ramandeep Kaur D/o Sinder Singh resident of Jind Chowk Assandh by preparing forged documents (PAN Card) in the name of Ramandeep Kaur D/o Sukhwant Singh, Assandh has committed fraud by getting amount of Rs.22,54,244/- of enhanced amount of land owned by Ramandeep Kaur D/o Sukhwant Singh in her account. Strict legal action be taken against her and amount of Department be got recovered with interest.”

Learned counsel for the petitioner has argued that the enhanced compensation was deposited by the department erroneously in the account of the petitioner and she did not make any application or representation to seek compensation on account of acquisition of land belonging to complainant. He submits that the amount was deposited in the year 2016 and the case has been registered after a long delay on 20.12.2020, and the case of the prosecution is based upon documentary material, therefore, the custodial interrogation of the petitioner may not be necessary.

On the other hand, prayer is vehemently opposed by learned State counsel who is assisted by ASI Amarjeet Singh. According to him, the petitioner had forged her PAN card by changing her parentage by showing herself to be daughter of Sukhwant Singh, whereas actually she is daughter of Sinder Singh. He submits that on the basis of said PAN card, she got the enhanced compensation

deposited in her account and in order to effectively investigate the case, the custodial interrogation of the petitioner is necessary. He further submits that even the departmental action has also been initiated against the officials, who instead of depositing the amount, made the deposit in the account of the petitioner.

During the course of hearing, it is not disputed by learned counsel that after receiving the amount, petitioner did not inform the competent authority about the said mistake and she utilized the said amount. It is not in dispute that the alleged amount of enhanced compensation which was to be paid to the actual land owner was deposited in the account of the petitioner.

After hearing learned counsel for the parties, and considering the above background, this Court finds that as per the prosecution, the petitioner had forged her own PAN card in order to cause a wrongful loss to the actual owner, therefore, considering the nature of offence, the custodial interrogation of the petitioner may be necessary.

Resultantly, without expressing any opinion on the merits of the case, this Court does not find it to be a fit case for extending the extra ordinary concession of pre arrest bail to the petitioner.

Dismissed.

(MANOJ BAJAJ)
JUDGE

29.11.2021

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No