

102

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

CRM-M-53738-2021

Date of decision : 22.12.2021

Damini

...Petitioner

Versus

Union Territory, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Surinder Singh, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. P.P. UT Chandigarh.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.179 dated 14.11.2021 registered under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Central Sector 17, Chandigarh.

Learned counsel for the petitioner has submitted that in the present case, the petitioner deserves the concession of anticipatory bail inasmuch the questions which has been put to the petitioner in the reply dated 13.12.2021 (Annexure P-3) by the UT Police, the petitioner is ready to answer the same and cooperate with the investigation. It is argued that the petitioner is a lady and thus, she deserves the concession of anticipatory bail and for the said purpose, reference has been made to Section 437 of Cr.P.C.

to contend that lenient view should be taken in favour of the petitioner. For the said purpose, he has relied upon **judgment dated 12.10.2020** passed in **CRM-M-30698-2020** by the Coordinate Bench of this Court in case titled **Santosh Kumari Vs. State of Haryana.**

Learned counsel for the petitioner has also submitted that there is possibility in the present case that the petitioner, being a poor lady, has been dragged in the case by the real culprits and she is herself the victim. It is further argued that the name of the petitioner has nowhere been mentioned in the FIR and has only come out in the disclosure statement of the main accused Ranjit Singh.

Notice of motion.

On advance notice, Mr. C.S. Bakshi, Addl. P.P. UT Chandigarh, appears and accepts notice on behalf of the U.T. Chandigarh and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that present case is an open and shut case of forgery inasmuch as perusal of the original GPA, which has been produced in the Court today, would show that the present petitioner had appeared before the Sub-Registrar by mentioning that she is the complainant Dr. Juveeza Chadha. A photocopy of the said document has been taken on record. It is further argued that it is impossible to believe that any person could be taken to the Sub-Registrar without his or her knowledge. It is also argued that the petitioner has not only participated in the forgery of the said GPA and impersonated Dr. Juveeza Chadha but had also impersonated the said complainant with respect to the Will dated 28.10.2021. A photocopy of

the said will is also taken on record and the original of the same has been referred to and shown to this Court. In both the said documents, the photographs of the petitioner appear and the stamp of the Sub-Registrar is also on the said photographs and it has been stated by the petitioner that she is Dr. Juvidha Chadha. He has further contended that in the present case, the petitioner has duped the complainant and forged the documents such as Aadhaar Card, Pan Card in order to impersonate the complainant and the said documents are to be recovered and custodial interrogation of the petitioner is necessary. It is also submitted that even the co-accused Ranjit Singh has named the petitioner as a person who has, alongwith other co-accused, forged the said documents. In addition to the said disclosure statement of Ranjit Singh, a perusal of the GPA and the Will would also show that it is apparent that forgery has been committed and the petitioner is party to it. It is also submitted that custodial interrogation of the petitioner is also required so as to find out as to how many persons are involved in the entire episode so that all the persons who had indulged in the said criminal act can be taken into custody.

This Court has heard the learned counsel for the parties and has perused the paper book.

A perusal of GPA as well as the said will, which are both registered, would show that the petitioner had appeared before the Sub-Registrar and although, the petitioner's name is Damini, she has presented herself to be Dr. Juvidha Chadha and has thus, not only committed fraud against the complainant but also with the office of Sub-Registrar. The petitioner has apparently impersonated the complainant by showing forged

and fabricated documents, such as Aadhaar Card, Pan Card, which are yet to be recovered from the petitioner. The argument of learned counsel for the petitioner to the effect that the petitioner deserves the concession of anticipatory bail inasmuch as she is a lady and is also suffering from ailments and thus, considering these factors, deserves to be dealt with leniently for which, reliance has been placed upon the judgment in **Santosh Kumari's** case (Supra) of the Coordinate Bench of this Court, is misconceived. A perusal of **Santosh Kumari's** case (Supra) would show that the FIR under Section 306 of IPC was registered against several persons. The petitioner therein was a Government employee who was a widowed lady of 54 years of age and while granting bail to the said petitioner therein, it was observed that it was highly debatable as to whether the attributions made to the petitioner therein, would fall within the definition of “abetment” under Section 107 of the IPC and whether the petitioner can be said to have abetted commission of suicide by the deceased. It is in conjunction with the said observations that the fact that the petitioner therein was a widowed lady was taken into consideration and was granted anticipatory bail. In the present case, the facts are completely different and it is the petitioner who has impersonated the complainant which facts are apparent from the bare perusal of two documents which were registered by the Sub-Registrar. The argument of learned counsel for the petitioner that the petitioner has only been implicated on the basis of disclosure statement of co-accused Ranjit Singh is also incorrect inasmuch as two documents, which were registered by the Sub-Registrar, also bear the photographs of the petitioner and the said fact has not been disputed by the petitioner and the only argument

raised is that there is a possibility of the petitioner herself being a victim. However, no detailed facts to even prima facie show as to how the petitioner could have been a victim in such a situation have been shown much less established. The custodial interrogation of the petitioner would be required inasmuch the Aadhaar Card and Pan Card, which have also been stated to have been forged, are yet to be recovered from the petitioner and the entire sequence of events, to find out as to who all were involved in the said forgery, can also best come out in the custodial interrogation of the petitioner in the present case.

Keeping in view the abovesaid facts and circumstances, the present petition for anticipatory bail is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

22.12.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**