

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

CRM-M-195-2021

Date of decision-15.02.2022

Balbir Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Chopra, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.
Mr. Rajat Malhotra, Advocate for respondent Nos.2 and 3.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 (2) Cr.P.C for cancellation of anticipatory bail granted to respondent Nos.2 and 3 vide order dated 19.11.2020 (Annexure P-2) in case FIR No.178 dated 29.09.2020 registered under Sections 420, 427, 454, 380 and 120-B Indian Penal Code, 1860 at Police Station Dugri, District Ludhiana.

Learned counsel for the petitioner has argued that the accused persons namely, Ravinder Singh and Harjit Kaur are related to the complainant-Balbir Kaur and accused Ravinder Singh, who was appointed as General Power of Attorney on 13.08.2018 was vested with the power to deal with the property of the complainant in a certain manner, but without vesting any power to sell. He submits that on the strength of the said power of attorney, accused-Ravinder Singh

executed a sale deed in favour of his wife-Harjit Kaur on 26.11.2018, thereby committing the offence of cheating. He submits that on the complaint given by complainant, a case FIR No.178 dated 29.09.2020 (Annexure P-1) was registered and the accused persons applied for anticipatory bail, and the Court of Sessions exercised the discretion in their favour by ignoring the material allegations. He further argued that the said sale deed dated 26.11.2018 though stands challenged in a civil suit filed by complainant, but it has been wrongly observed by Additional Sessions Judge, Ludhiana that the complainant never challenged the agreement to sell, receipt etc. and submits that the concession extended to the accused deserve to be cancelled.

During the course of hearing, it is not disputed by learned counsel for the complainant that the concession extended to the accused persons was never put to any misuse and the sole ground to challenge the order dated 19.11.2020 granting anticipatory bail to the accused is based upon the allegations and the alleged crime committed by the accused persons.

After hearing learned counsel for the parties, this Court does not find any merit in the argument raised on behalf of the complainant as the case of the prosecution is founded upon the documentary material and before granting the concession of anticipatory bail to the accused, public prosecutor was given an

opportunity to oppose the prayer. There is nothing on record to indicate that when the accused associated themselves with the investigation they did not cooperate. Needless to observe that any observations which are made by the Additional Sessions Judge, Ludhiana, while deciding the bail application shall have no bearing on the merits of the case.

Resultantly, this Court is not inclined to exercise the jurisdiction under Section 439(2) Cr.P.C.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

15.02.2022

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