

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.9179 of 2021 (O&M)

Date of Decision:12.01.2022

(Heard through VC)

Saroj Jyoti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulati, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

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

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JAISHREE THAKUR, J. (ORAL)

1. This is a petition that has been filed under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in FIR No.201 dated 17.11.2020 under Sections 406, 420 IPC at Police Station Navi Baradari, Jalandhar.

2. In brief the facts are that an FIR came to be registered, which is available on record as Annexure P-2, wherein there was an allegation that brother of the complainant in connivance with his wife i.e. the present petitioner, had fraudulently prepared fake documents and cheated the complainant by transferring her share in the ancestral house to their names. There was also an allegation that Raman Kumar i.e. brother the complainant had transferred a portion of the property in favour of his wife Saroj Rani, petitioner herein, through a transfer deed dated 29.12.2016 as well as an allegation of impersonation. The bail application of the petitioner was

dismissed by the Additional Sessions Judge, Jalandhar on 02.02.2021, which led to filing of the present petition.

3. This Court heard the matter initially and had issued notice of motion on 26.02.2021, on which date itself, counsel for the complainant had accepted the notice. On 10.03.2021, after the matter had been argued, the case was adjourned for a limited purpose to enable the parties to explore the possibility of compromise keeping in view the fact that the parties were closely related. The matter was again adjourned on 17.03.2021 and then taken up for hearing on 22.03.2021, on which date, following order was passed:-

“Learned counsel for the petitioner argued the matter.

However, this Court is not inclined to interfere at this stage.

Learned counsel for the petitioner prays for a short adjournment to see whether any out of court settlement can be arrived at between the parties.

Adjourned to 08.04.2021.”

A reading of the said order would clearly reflect that the matter had been argued and this Court was not inclined to interfere in the said petition by granting anticipatory bail. It was at that juncture that the counsel for the petitioner Mr. C.S. Bakshi had prayed for a short adjournment to see whether any out of court settlement can be arrived at between the parties, consequent to which this Court adjourned the matter for 08.04.2021. The matter was then listed on 08.04.2021, on which date, there was a request for adjournment by the counsel appearing for the petitioner on the ground that he was unwell. On account of COVID-19 pandemic, the matter was then

listed before another Bench and taken up for hearing when interim bail was allowed by a Coordinate Bench for a period of 7 days to enable the petitioner to perform last rites of her husband, who had also been nominated as an accused under the said FIR. On 13.09.2021, there was an apparent change in counsel and Dr. Anmol Rattan Sidhu, Senior Advocate with Mr. Raghav Gulati, Advocate had put in appearance for the petitioner when a statement was given that the case was not heard on merits and that there was requirement for interim protection to explore the possibility of amicable resolution to the dispute. A statement was given that an appropriate application would be moved for clarification of the order dated 23.03.2021. An application i.e. CRM No.32179 of 2021 was filed seeking clarification of the order dated 22.03.2021, which was listed before a Coordinate Bench (Raj Mohan Singh J.), who directed that as clarification had been sought, it should be listed before the Bench having passed the said order. This very court took up the matter on 08.10.2021 and dismissed the said application by explicitly noticing that no clarification was required, as the matter had been argued by previous counsel i.e. Mr. C.S. Bakhshi and it was on his request that the matter had been adjourned to explore the possibility of compromise. The matter has passed through various Courts and is listed again on account of order passed by a Coordinate Bench (Amol Rattan Singh J.) dated 03.12.2021. By the said order, the Coordinate Bench has taken note of the contention of the learned senior counsel, who had prayed that the matter be heard on merits, as the contentions had not been noticed.

I have heard learned counsel for the parties and have perused various orders that have been passed by this Court and the Coordinate

Benches. It would be worthwhile to note that the matter had been argued by the previous counsel Mr. C.S. Bakhshi and when this Court was not inclined to interfere and grant anticipatory bail to the petitioner considering the fact that there were serious allegations of forgery/impersonation having been committed, a request had been made to explore the possibility of compromise, which request was allowed. At no stage, had this Court allowed interim relief to the petitioner. Interim relief i.e. stay of arrest of the petitioner had been allowed to the petitioner by a Coordinate Bench keeping in mind that her husband had expired due to cancer. This Court at the very outset was not inclined to allow anticipatory bail and same is the position as on date. In case, the previous counsel for the petitioner had not sought adjournment to explore the possibility of out of court settlement at that point in time, this Court would have recorded reasons for disallowing the anticipatory bail.

Since there is no merit in the instant petition, the same is dismissed.

January 12, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No