

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

**CRM-M-19669-2021(O&M)
Date of Decision: 18.04.2022**

Charanjit Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Himmat Singh Sidhu, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Anutej Singh Barnala, Advocate for the complainant.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.13, dated 02.04.2021 under Sections 420, 465, 467, 468, 471 and 120-B of IPC, 1860 registered at Police Station Mehal Kalan, District Barnala.

2. It has been submitted by learned counsel for the petitioner that the petitioner was granted interim bail on 17.05.2021 and in pursuance of the aforesaid order, the petitioner has already joined the investigation and she is also cooperating with the investigation process. He submitted that the petitioner is a lady aged about 43 years and the allegation against the petitioner was that the petitioner has taken the benefit of family pension pertaining to the deceased namely, Harbans Singh, who retired as Lt. Col.

from the Indian Army purporting her to be the wife of the deceased Harbans

Singh and the same was done allegedly on the basis of some fabricated marriage certificate and therefore, a fraud has been committed by the petitioner. Learned counsel for the petitioner further submitted that in fact, it is a case where the petitioner was in fact married with the aforesaid deceased Harbans Singh, although, there was a gap of about 40 to 50 years. However, the said marriage was a second marriage of Harbans Singh. The first wife of Harbans Singh had died and Harbans Singh had two sons and one daughter from first wife. He further submitted that rather a dispute pertaining to the property of aforesaid Harbans Singh is also subjudice before the Civil Court and the petitioner has also filed a suit of rendition of accounts. He submitted that be that as it may once the petitioner who is a lady of 43 years of age has already joined the investigation, it is prayed that the interim bail granted to the petitioner may be confirmed since it is yet to be established as to whether the petitioner was entitled for family pension or not.

3. On the other hand, learned State counsel on instructions from ASI Jagroop Singh has submitted that the petitioner has joined the investigation and has also referred to the affidavit filed by the State in which also it has been mentioned that the petitioner has joined the investigation. However, he has raised an objection by stating that the petitioner has not given the original marriage certificate and aadhaar card to the Investigating Officer and therefore has opposed the grant of anticipatory bail to the petitioner on this ground.

4. Mr. Barnala, learned counsel for the complainant has also appeared and submitted that the petitioner has in fact committed a fraud and therefore the petitioner does not deserve the concession of anticipatory bail particularly in view of the fact that the petitioner has not surrendered the original marriage certificate and aadhaar card as required by the Investigating Officer.

5. Replying to the objections raised by learned State counsel as well as learned counsel for the complainant, learned counsel for the petitioner submitted that in fact the petitioner was a legally wedded wife of the deceased Harbans Singh and has referred to Annexure P-21, wherein the daughter of the aforesaid Harbans Singh, namely, Gurdeep Kaur and another son namely, Kuldeep Singh have jointly requested the Directorate of Indian Army Veterans vide Annexure P-21, that they have no objection in case the family pension granted in favour of the petitioner is continued and has submitted that the present FIR has been raised only by the wife of one of sons of the deceased. He further submitted that so far as the original marriage certificate is concerned, the same was with the deceased Harbans Singh, who was residing in Toronto, Canada and the said marriage certificate is not in possession of the petitioner. He further submitted that so far as the aadhaar card is concerned, the same was neither demanded by the Investigating Officer nor the same has been mentioned in the affidavit, which has been filed by the State as in the affidavit reference has been made only to the marriage certificate and not to the aadhaar card. He has submitted that the petitioner undertakes to give the original aadhaar card of the petitioner to the Investigating Officer within a period of three weeks from today.

6. I have heard the learned counsel for the parties.

7. As per the learned State counsel and learned counsel for the petitioner, the petitioner has already joined the investigation in pursuance of the order passed by this Court on 17.05.2021. However, the objections which have been raised by the learned State counsel and counsel for the complainant are that she has not cooperated with the investigation process by not supplying the original marriage certificate and the original aadhaar card. So far as the original marriage certificate is concerned, it has been stated by learned counsel

for the petitioner that the same was in the possession of Harbans Singh, who was residing in Canada before his death and is not in the possession of the petitioner. The explanation put forward by the learned counsel for the petitioner seems to be probable. So far as the second objection pertaining to the original aadhaar card is concerned, learned counsel for the petitioner on instructions has already undertaken to submit the original aadhaar card to the Investigation Officer within a period of three weeks from today. The petitioner is a lady of 43 years of age and her status as a legally wedded wife has been disputed by the complainant. The civil litigation pertaining to the property is also pending before the learned Civil Court. The petitioner has already joined the investigation as per the statement made by the learned State counsel.

8. Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to allow the present petition. Consequently, the order dated 17.05.2021 is hereby made absolute.

9. It is made clear that in case the petitioner does not honour the undertaking given by her through her counsel today with regard to surrender of the original aadhaar card to the Investigating Officer within a period of three weeks from today, then the State as well as the complainant would be at liberty to file an appropriate application before this Court.

10. The aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

April 18, 2022

Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No