

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210

**CRM-M No.21897 of 2022
Date of Decision : 27.05.2022**

Ramesh Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev Patiyal, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG Punjab.

ALKA SARIN, J. (Oral)

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for the grant of regular bail to the petitioner in FIR No.195 dated 05.12.2018 registered under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station Dharamkot, District Moga, during the pendency of trial. The first petition for grant of bail (CRM-M-13330-2020) was dismissed on 09.07.2020 while the second petition for grant of bail (CRM-M-31636-2020) was dismissed on 13.10.2020.

The allegations in the FIR lodged at the instance of complainants Sukhwinder Kaur and Salwant Kaur are that the land in question was sold to the complainants by the husband of the petitioner, along with others, vide registered sale deeds dated 08.09.2016 and

06.04.2018. Subsequent to the execution of the sale deeds, the husband of the petitioner and others transferred the land in question in favour of the co-accused including the petitioner. It is further the allegation in the FIR that the said transfers were done by forging and fabricating documents.

Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the case by the complainants by preparing forged and fabricated documents. It is argued that the sale deeds dated 08.09.2016 and 06.04.2018 alleged to be executed by the husband of the petitioner and others mention the entire sale consideration being paid by cash whereas as per the Income Tax Act, 1961 no payment in excess of Rs.20,000/- could be made in cash. Learned counsel has submitted that Bhupinder Singh, husband of the complainant Sukhwinder Kaur, was a commission agent (*Arhtiya*) and used his influence to get the sale deeds executed without payment of any consideration promising to pay the amount later. According to counsel, the said Bhupinder Singh was duping innocent people and there were complaints and news reports against him.

Learned counsel for the petitioner has contended that since the dismissal of the two petitions for grant of regular bail the circumstances have changed inasmuch as the charges have been framed, the trial has commenced and the period of custody of the petitioner has increased. He also submitted that it is a Magisterial trial and the petitioner is in custody since 16.03.2020. It is also submitted that the co-accused Jarnail Singh and Hardeep Singh have been granted bail by this Court vide orders dated 24.01.2022 and 02.03.2022 passed in CRM-M-27190-2021 and CRM-M-7391-2022, respectively.

Learned counsel for the State has opposed the grant of bail and urged that there are serious allegations against the petitioner of being transferred the property in her favour after her husband and others had sold it to the complainants.

Heard.

The allegations made by the complainants in the FIR are that having executed the sale deeds in their favour vide sale deeds dated 08.09.2016 and 06.04.2018, the husband of the petitioner and others had by forging and fabricating documents transferred the same land in favour of the co-accused including the petitioner. Since the dismissal of the earlier bail petitions being CRM-M-13330-2020 and CRM-M-31636-2020 filed by the petitioner, the investigation *qua* the petitioner is complete, challan stands presented and charges framed on 19.08.2021. The trial has commenced. No recovery is to be made from the petitioner who has been in custody since 16.03.2020. The co-accused Jarnail Singh (husband of the petitioner) and Hardeep Singh have since been granted bail by this Court. The case is of a Magisterial trial and in such like situation, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Keeping in view the above facts and without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petition is allowed and the petitioner is directed to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for

cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off. Pending applications, if any, also stand disposed off.

27.05.2022
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO