IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-22070-2022(O&M)
Date of decision: 01.06.2022

SWEETY

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

*****

Present : Mr. Ramesh Sharma, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab.

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VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.15 dated 02.02.2022 under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Khilchian, District Amritsar.

A perusal of the case shows that the FIR in instant case has been registered at the instance of one Manjit Kaur, wherein she has alleged that she had executed a sale deed pertaining to land measuring 13 kanals situated in village Alowal Tehsil Khadoor Sahib District Tarn Taran in favour of Amarjit Singh. Sale consideration in lieu thereof is claimed to have been received by Manjit Kaur. It is contended that a civil case titled as 'Nishan Singh and others Versus Manjit Kaur and others' was pending and a decision in the said case was made against Manjit Kaur and co-accused Hardeep Kaur. The judgment and decree passed by the Civil Judge was challenged by Hardeep Kaur by means of filing a civil appeal which was also dismissed. It is contended that she did not have any transaction with Amarjit Singh, and that a complaint was filed by Amarjit Singh

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against Manjit Kaur in relation to a cheque for a sum of Rs.35 lakhs. Learned counsel contends that the said cheque does not belong to her and that was never issued pursuant to any compromise effected between the parties. He contends that it has been revealed that the cheque belongs to a lady namely Sweety (petitioner herein) and that the number of the said cheque has been mentioned in a forged compromise deed by Amarjit Singh to trace a claim that the said cheque had been issued in discharge of a liability due to Amarjit Singh. It is also alleged in the FIR that Amarjit Singh also forged the signatures of Manjit Kaur on the said compromise and that she being a resident of Baba Jagir Singh Colony Rayya, Amritsar had never gone to Fatehgarh Sahib to execute any settlement with them.

Learned counsel for the petitioner contends that the petitioner is not a beneficiary of the entire transaction and that only her cheque leaf has been misused apparently by Amarjit Singh for the purposes of seeking back his consideration that had been paid in lieu of the sale deed pertaining to 13 kanals of land qua which the title of the complainant was not clear. Learned counsel contends that the petitioner is in custody since 23.03.2022 and that the investigation in the case is still going on however, the petitioner is in judicial custody. He submits that investigation of the case is likely to take some time and no recovery is to be effected the petitioner and her custodial interrogation is not likely to serve any purpose for the investigation.

Learned State counsel does not dispute the aforesaid contentions raised by the learned counsel for the petitioner.

I have considered the rival submissions advanced by the parties and taking into consideration the period of custody and also the fact that the petitioner is not a beneficiary in any manner in the entire gamut of the allegations spread out

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in the FIR. Furthermore, there was no occasion or reason for the petitioner to be a party to the *inter se* dispute between Amarjit Singh and Manjit Kaur in relation to the sale deed that had been executed by the Manjit Kaur in favour of Amarjit Singh/Hardeep Kaur.

Furthermore, the investigation of the case is likely to take some time and a period of 60 days have already been elapsed since then. The trial being a Magisterial trial and investigation having not been concluded within 60 days, even otherwise the petitioner would be entitled to benefit of default bail under Section 167(2) CrPC.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

June 01, 2022
S.Sharma(syr)

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

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