

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-42444-2021(O&M)
Date of decision:05.09.2022

BASANTI AGGARWAL

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

Mr. Raghav Sharma, Advocate
for the complainant.

GURVINDER SINGH GILL. J. (ORAL)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.357, dated 07.08.2021, Police Station Sadar Thanesar, District Kurukshetra, under Sections 420, 467, 468, 471, 494, 120B IPC.

At the time of issuance of notice of motion, the following order was passed on 14.10.2021:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.357 dated 07.08.2021, registered for offences under Sections 420, 467, 468, 471, 494 and 120-B of the Indian Penal Code, 1860, at Police Station Sadar Thanesar, District Kurukshetra (Annexure P-7).

Counsel for the petitioner submits that after obtaining “Panchayati divorce” vide Annexure P-1 from her previous husband, the petitioner, who is 47 years of age, married late Shri Krishan Kumar Aggarwal and was staying with him. He has referred to the Ration Card, Annexure P-2 and Aadhar Card, Annexure P-3, to submit that she has been shown as the wife of the deceased in the official documents. Counsel submits that the deceased executed a WILL on 31.03.2015, Annexure P-5, which was duly registered, whereby he bequeathed, all his moveable or immovable properties in favour of the petitioner. Counsel submits that after the death of Shri Krishan Kumar Aggarwal, his brother gave a complaint that he has been murdered, but FIR, Annexure P-7, has been registered for offences under Sections 420, 467, 468, 471, 494 and 120-B of the Indian Penal Code, 1860, wherein the petitioner has been named as one of the accused. Counsel urges that the WILL, Annexure P-5 has been challenged by one of the sons of the deceased, before the Civil Court, and vide order dated 01.08.2019, Annexure P-6, trial Court has restrained the petitioner from alienating the immovable properties of the deceased. He submits that the petitioner, who is a middle aged lady, is ready to join the investigation.

Notice of motion.

On asking of the Court, Mr. Gurmeet Singh, AAG, Haryana accepts notice on behalf of respondent-State. He is assisted by Mr. Raghav Sharma, Advocate for the complainant.

List on 03.12.2021.

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, she shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of

Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438 (2) Cr.P.C..”

Learned State counsel upon instructions from ASI Sudesh Kumar informs that pursuant to the interim order dated 14.10.2021, petitioner has joined investigation and that the thumb impression and signatures of the deceased which were existing on some admitted documents have been sent for examination but the report is still awaited.

Learned counsel for the complainant however, vehemently opposed the petition and submitted that in fact an amount of Rs.23 lacs had been withdrawn by the petitioner on the basis of cheques which, as per the report of private handwriting expert were forged signatures. It has further been submitted that in fact as on the date of death of Mr. K.K.Aggarwal some amount had been withdrawn from his bank account with the help of a cheque which did not bear any signature of the deceased.

I have considered rival submissions addressed before this Court.

Having regard to the fact that some official documents which are in the nature of record in shape of ration card, aadhar card etc, the petitioner is reflected to be wife of the deceased and also that the case is mainly based on documentary evidence and that the petitioner has joined investigation, this Court finds that the instant case is not such where custodial interrogation is warranted. The petition is accepted and the interim directions issued by this Court vide order dated 14.10.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating

Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

05.09.2022
Amandeep

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