

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-52745-2021

Date of Decision: 12.12.2022

Manjeet Kaur

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Vikas Bishnoi, Advocate for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has preferred the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 71 dated 23.06.2021 registered under Sections 420, 418, 419, 341, 406, 447, 506 and 120-B IPC at Police Station Jakhal, District Fatehabad.

As per the prosecution story, complainants, namely; Nachhattar Singh and Jagsir Singh, have entered into an agreement to sell with accused persons, namely, Manjeet Kaur (petitioner herein), Beant Singh and Lakshman Singh, qua land measuring 45 kanals @ Rs.18,00,000/- per acre. On 30.01.2019, sale deed qua land measuring 10 kanals 18 marlas was executed in favour of complainants and an agreement qua remaining land measuring 26 kanals 0.25 marla was executed in favour of complainants on 23.01.2019. The petitioner and her companions have received a sum of Rs.45,00,000/- towards sale consideration in bank account No. 7698000100015780, PNB, Dharsul

Kalan, existing in the name of present petitioner. The accused persons have received a total sale consideration of Rs.80,00,000/- from the complainants and when they visited the office of Sub-Registrar, Jakhal for execution of sale deed, then they came to know that the sale deed qua land measuring 26 kanals 0.25 marla could not be executed as vendor-Beant Singh, had not completed the age of 18 years. On enquiry, the complainants were told by the accused persons that they have filed a suit in the Civil Courts, Tohana for appointment of guardian of Beant Singh. Thereafter, the date for execution of sale deed was fixed for 31.09.2019 and the complainants have marked their presence in Sub-Tehsil, Jakhal on 01.10.2019. The complainants asked the accused persons for execution of sale deed but they prolonged the matter as the accused persons had the knowledge that the sale deed could not be executed because Beant Singh was no longer son of Manjeet Kaur as he had been given in adoption to one Ram Chander. It had also been alleged in the complaint that the accused persons had handed over the possession of land measuring 45 kanals in the year 2019, but they have taken back the possession of the said land after one year and thus, cheated the complainant party for a sum of Rs.80,00,000/-.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. She has no concern with the alleged offence. The dispute between the parties is of civil nature. Complainant-Nachhattar Singh, is a land grabber and he grabbed the land of the petitioner by committing fraud upon her. The petitioner is in custody since 03.09.2021. No recovery has to be effected

from her. The challan has already been presented before the trial Court and charges have also been framed by the trial Court. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, she may be released on regular bail.

Per contra, learned State counsel assisted by learned counsel for the complainant vehemently opposed the present petition on the ground that the petitioner in criminal conspiracy with her co-accused Lakshman Singh etc. had cheated the complainants for a sum of Rs.80,00,000/-. Petitioner-Manjeet Kaur, being natural guardian of her son Beant Singh, had executed the agreement to sell dated 23.01.2019, qua land measuring 26 kanals 0.25 marla in favour of Nachhattar Singh despite the fact that said Beant Singh had been given in adoption to Ram Chander vide adoption deed No. 04 dated 15.05.2014.

I have heard learned counsel for the petitioner as well as the learned State counsel and gone through the paper-book.

As per status report dated 10.10.2022, filed by way of affidavit of ASI Ram Kumar (Investigating Officer), on behalf of respondent-State, Manjeet Kaur-petitioner in criminal conspiracy with her co-accused, Lakshman Singh etc. cheated the complainant party for a sum of Rs.80,00,000/-. She being natural guardian of her son Beant Singh, had executed an agreement to sell dated 23.01.2019 qua land measuring 26 kanals 0.25 marla in favour of complainant Nachahattar Singh, despite the fact that aforesaid Beant Singh, had been given in adoption by the petitioner and her husband to one Ram Chander S/o Sai

Dass resident of Chillewal vide adoption deed No. 4 dated 15.05.2014. Moreover, Beant Singh, was minor at the time of execution of agreement to sell as he had not completed the age of 18 years. It has also been in the status report that in the year 2019, the possession of total 45 kanals of land was handed over to the complainant but the accused party had forcefully taken back the possession from the complainant after one year. All the self cheques bearing Nos. 906902, 906903, 906904, 906905, 906907, 906909, 906910 and 906911 (as fully detailed in para Nos. 7 and 8 of the status report) issued from the bank account of the petitioner were encashed by the petitioner.

Needless to say, such type of cheating is rampant in our society and is often adopted by fraudsters, property grabbers and unscrupulous persons by usurping hard earned money of innocent people. This has become a cakewalk to amass wealth illegally over night which needs to be curbed to save the innocent people with an iron hand.

Keeping in view the overall facts and circumstances of the present case, the chain of events in commission of offences as depicted in the prosecution story and having regard to the grave nature of accusation against the petitioner and also the fact that the petitioner may tamper with the evidence and influence the witnesses, if released on bail, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition, being meritless, is dismissed.

Any observation made here-in-above is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

December 12, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No