

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

CRM-M-2589-2023 (O&M)
Date of Decision: 20.02.2023

POOJA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. S.K. Yadav, Advocate
for the petitioner.

Mr. Ram Kumar Singla, D.A.G., Haryana.

HARSH BUNGER, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to petitioner namely, Pooja, in case FIR No.444 dated 13.08.2022, under Sections 120-B, 419, 420, 467, 468 and 471 of the Indian Penal Code, at Police Station Sector 10, Gurugram, District Gurugram.

The above said case FIR has been registered on the statement of one Gagan Sehrawat son of Dalip Singh, who had stated that he has one brother namely, Khushbas Sehrawat and two sisters namely, Saroj and Shabnam and their mother was Sarup Rani. On 05.11.1980, the parents of the complainant purchased land measuring *26 kanals 17 marlas* from one Kishan Singh son of Munshi Singh and land measuring *26 kanals 17 marlas* from Premwati widow of Munish Singh resident of Village Wazirpur, District Gurugram, vide *Vasika No.23494* and *24373*. It is stated that the said land was in the name of their mother Sarup Rani and after her death, the mutation of inheritance was sanctioned in the name of both the brothers and

sisters in equal shares. It is stated that Rampal son of Surajbhan resident of Village Jharsa was cultivating the land in question for the last 20-25 years on *batai*. It is further stated in the complaint that the married sisters of the complainant namely, Saroj and Shabnam sold their shares out of the said land some time ago and only the share of the complainant and his brother Khushbans Sehrawat, remained. It is stated that after the death of brother of the complainant, his share of land was inherited by his wife and daughter namely, Rani Sehrawat and Varta Sehrawat, respectively. It is also stated that Rani Sehrawat (sister-in-law of the complainant) and her daughter Varta Sehrawat, had executed a 'General Power of Attorney' in the name of one Arun Kumar Yadav qua the land in question. It is alleged that on 10.08.2022, the complainant came to know that one Pooja had forged Aadhar card in the name of Rani Sehrawat and by impersonating herself in criminal conspiracy with Ramphal, had executed an agreement to sell qua the land in question in the name of one Umesh son of Pitamber Saini resident of Jal Vihar, Gurugram. It is stated in the complaint that when the complainant contacted above said Umesh, then he handed over a copy of agreement and forged Aadhar card to him and the said incident was narrated by the complainant to his sister-in-law Rani Sehrawat and since, she was not keeping well, accordingly, the complainant was asked to submit a complaint to the police. Accordingly, the FIR in question was registered.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It is stated that the petitioner is a simple house-wife and is having a minor daughter, aged about one year and she needs feeding of her mother. It is submitted that the petitioner is an illiterate and innocent lady and there is no other person in the

family to look after her children. It is also submitted that the petitioner has not prepared any forged document and rather, it is contended that even as per the prosecution story, the forged Aadhar card and agreement were prepared by co-accused Kishan Chand and Ramphal and the petitioner has been fraudulently involved in this case. Learned counsel has submitted that the petitioner was arrested on 13.08.2022; investigation in the case is complete; challan already stands presented and even the charges have been framed on 16.12.2022. There are total 14 witnesses cited in this case and none of them has been examined; the trial is likely to take some time and no useful purpose would be served by further incarceration of the petitioner.

Status report dated 31.01.2023 filed by way of an affidavit of Sh. Rajender Singh, HPS, Assistant Commissioner of Police, City, Gurugram, on behalf of respondent-State of Haryana, is already on record.

Learned State counsel has filed the custody certificate dated 13.02.2023, in the Court today and the same is taken on record, subject to all just exceptions.

Learned State counsel has opposed the plea of the petitioner for grant of regular bail on the ground of seriousness of offence. However, it is not disputed that the investigation in the case has already been completed; challan has been presented and even the charges have been framed. It is further not disputed that the petitioner has been in custody for the last six months.

I have heard learned counsel for the parties; perused the paper book; status report filed as well as the custody certificate of the petitioner handed over by learned State counsel, in Court today.

The petitioner is a lady, who has been in custody for the last six months. The investigation in the case is complete; challan has been presented and as per the status report, the charges have been framed on 16.12.2022. There are total 14 witnesses in the present case and none has been examined. The trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind the bars.

Keeping in view the afore-mentioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing heavy bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned. However, before release, the concerned Station House Officer be informed and the petitioner shall inform the concerned Station House Officer about her address at which she intends to reside during the pendency of the case and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish her telephone number to the concerned Station House Officer. She would also furnish an undertaking to the effect that she will not indulge in any illegal activity.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

February 20, 2023
Amandeep/gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No