

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

CRM-M-2890-2023

Date of decision : 08.08.2023

KOMAL YADAV

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. R.N. Lohan, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

Mr. Jagjit S. Gill, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 13.02.2023, the following order was passed :

“Present petition under Section 438 Cr.P.C. is filed for grant of anticipatory bail to the petitioner in case FIR No.81 dated 13.03.2022, under Sections 120-B, 406, 419, 420, 467, 468 and 471 IPC, registered at Police Station Sector-9 A, District Gurugram.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case at the behest of complainant, namely Yogesh Yadav s/o Chhaju Ram, who is the brother-in-law of petitioner, on account of the matrimonial dispute going on between the petitioner and her in-laws. It is submitted that Smt. Nirmal Yadav was the original owner of the house in question and she never sold it to anybody at any point of time. The said house was given by Smt. Nirmal Yadav to the petitioner by way of registered Will and General Power of Attorney dated 15.05.2015 and neither father-in-law nor brother-in-law of the petitioner has any concern with the house in dispute. It is further submitted that the petitioner has not committed any forgery with regard to the house in question. Learned counsel contends that the present FIR No.81 dated 13.03.2022 has been registered against the petitioner

as a counter blast to the case FIR No.603 dated 28.10.2021, registered at the behest of petitioner against her husband, namely Dharminder Yadav, and wife of complainant, namely Brij Lata, under Sections 120-B, 420, 467, 468 and 471 IPC, at Police Station Aravali Vihar, District Alwar, Rajasthan; Complaint No.460/2019, filed by the petitioner against her husband under Section 138 of the Negotiable Instruments Act before the Court of Judicial Magistrate Ist Class, Alwar, Rajasthan and Case No.1/562/2015, filed by the petitioner against her husband under Section 125 Cr.P.C., before the Court of Judicial Magistrate Ist Class, Alwar. It is further contended that father-in-law of the petitioner had also filed a complaint dated 11.02.2016 (Annexure P-1) before the Police Commissioner, District Gurgaon, against the petitioner, regarding the house in dispute, which was found to be frivolous by the police and report dated 10.05.2016 (Annexure P-2) was submitted in this regard by the Assistant Sub Inspector, PP, Sector-9 A, Gurgaon. Learned counsel for the petitioner submits that co-accused, namely Nikhil, who is the son of petitioner, has already been granted bail by the Court of Additional Sessions Judge, Gurugram, vide order dated 04.02.2023. Copy thereof is supplied by learned counsel for the petitioner in Court, which is taken on record, subject to all just exceptions. Learned counsel submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Learned State counsel opposes the plea of petitioner on the ground of seriousness of the offences. However, he fairly concedes the fact that co-accused, namely Nikhil, has already been granted bail by the Court of Additional Sessions Judge, Gurugram, vide order dated 04.02.2023.

List on 23.03.2023.

In the meanwhile, in the event of arrest of petitioner, she shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, she shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

2. Ld. State Counsel on instructions from ASI Narender submits that though the petitioner has joined the investigation but is required as the Sale Deed/GPA is yet to be recovered.

3. In the considered opinion of this Court the State Authorities being the custodian of the record related to registered document(s) can well dig out the same from the official records and for that custodial interrogation of the petitioner will not be required. That apart, from the allegations levelled in the FIR it is discernible that it is a case wherein the complainant is fighting a battle against her brother-in-law claiming ownership over a property claimed to be owned by her father-in-law Chhaju Ram. It prima facie appears to be a case of a discord between the family based on documentary evidence.

4. In the circumstances, the order dated 13.02.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. The petitions stands disposed off.

August 08, 2023**Dpr****(Pankaj Jain)
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No