

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13461-2023 (O/M)

Date of decision : 02.11.2023

Deepika Goyal alias Radhika

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Pankaj Nanhera and Mr. Rahul Gautam, Advocate (s)
for the petitioner.

Mr. Praveen Chander Goyal, Additional A.G. Haryana.

Mr. Sanchit Punia, Advocate
for complainant.

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HARSH BUNGER, J. (ORAL)

1. Prayer in present petition filed under Section 438 Cr.P.C. is for grant of concession of anticipatory bail to the petitioner in case FIR No. 42 dated 08.02.2023, registered under Sections 406, 420, 120B, IPC (Sections 119, 166, 167, 409, 465, 467, 468, 471, 34, 35 IPC added later on) at Police Station Civil Lines, Hisar, District Hisar.

2. On 26.04.2023, the following order was passed by this Court :-

“ Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.42 dated 08.02.2023 (Annexure P-1), registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 (Sections 119, 166, 167, 409, 465, 467, 468, 471, 34 and 35 IPC, added later on) at Police Station Civil Lines, Hisar, District Hisar.

2. Succinctly, the above-said FIR has been registered on

the complaint of one Kartik son of Sh. Vishnu Mittal, wherein, it was alleged that his grand-mother namely, Chander Kala Devi wife of Mahender Singh, had expired on 06.05.2021, leaving behind two sons namely, Vishnu Mittal, Shankar Mittal and one daughter namely, Deepika alias Radhika. Shankar Mittal, who was unmarried, died on 07.05.2021 and Vishnu Mittal, (father of the complainant) had already died on 24.04.2021. It is further submitted that after the death of Chander Kala Devi, Deepika alias Radhika, Kartik (complainant) and Sakshi (daughter of Vishnu) are surviving legal heirs of Chander Kala Devi. It is further alleged in the complaint that Chander Kala Devi was having a locker bearing No.64 in the State Bank of India, Sector 13, Hisar, where she kept her cash, jewellery and documents and after her death, when the complainant (being grandson) enquired about the said locker from the Manager of the concerned bank, no information was provided to him; whereupon, he filed a civil suit against the said bank, in which, written statement was filed, which shows that Radhika (daughter of Chander Kala Devi), filed a wrong affidavit by showing herself to be the sole legal heir of Chander Kala Devi and in connivance with co-accused, got opened the locker of Chander Kala Devi and took away all the jewellery, cash, documents and other valuable things from the said locker which were worth Rs.80-90 lakhs. It is further alleged that Deepika alias Radhika in connivance with co-accused, hatched a criminal conspiracy to grab petitioner's as well as his sister Sakshi's share. On the basis of the allegations made in the complaint, the FIR in question was registered.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has falsely been implicated in the present case at the instance of the complainant just to harass her. He further submits that the mother of the petitioner died on 06.05.2021 and the case FIR has been registered on 08.02.2023 i.e. after an unexplained delay of 1½ years. It is further submitted that Chander Kala Devi, during her life time, has separated her son Vishnu (father of the complainant) after partition of the property; hence, the complainant has no right to claim the property of Chander Kala Devi. Learned counsel submits that the offences, as alleged, are documentary in nature and the family dispute has been given the colour of criminal case. It is submitted that civil litigation is pending between the

parties. It is contended that the petitioner has not committed any offence as the locker was operated in the presence of Bank officials and whatever articles were lying therein are duly accounted for by preparing an inventory by the Bank officials. Learned counsel further submits that the petitioner has applied for pre-arrest bail before the learned Sessions Judge, Hisar, however, the same has been wrongly dismissed vide order dated 23.02.2023 (Annexure P-3). He further submits that the earlier anticipatory bail petition moved by the petitioner before this Court has been dismissed as withdrawn vide order dated 14.03.2023 passed in CRM-M-12367-2023 with liberty to file fresh. Learned counsel also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

4. *Notice of motion.*

5. *On the asking of the Court, Mr. Amrik Narwal, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and files reply by way of an affidavit of Sh. Abhimanyu Lohan, HPS, Deputy Superintendent of Police, Detective, Hisar, on behalf of respondent-State of Haryana. The same is taken on record, subject to all just exceptions.*

6. *Learned State counsel has opposed prayer for anticipatory bail by referring to status report and submits that complainant-Kartik Mittal and his sister Sakshi, being son and daughter of pre-deceased son (Vishnu) of Chander Kala Devi are also entitled to inherit property, whereas, the petitioner had operated the bank locker of Chander Kala Devi (deceased) in collusion with bank officers, showing herself as only legal heir alive after the death of Chander Kala Devi. However, it is not disputed that at the time of operation of bank locker, an inventory was prepared by the Bank officials regarding the articles lying in the locker.*

7. *At this stage, Mr. Sanchit Punia, Advocate appears and accepts notice on behalf of respondent No.2 and submits that the petitioner operated the locker of Chander Kala Devi (grand-mother of the complainant) by filing false affidavit that she is the sole legal heir of Chander Kala Devi. He further submits that the petitioner by, misrepresenting the facts, had fraudulently got released all the jewellery, cash, documents and*

other valuable articles of Chander Kala Devi from the bank locker, for which, she has no right. It is stated that the inventory and its valuation does not match and even otherwise, there was gold etc. worth Rs.80-90 lakhs in the locker, whereas, as per inventory, the articles have been shown worth Rs.5,00,000/- (approximately) only. He seeks an adjournment to get further instructions in this matter.

8. *List on 18.07.2023.*

9. *In the meanwhile, in the event of arrest of the 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.”*

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

4. Learned State counsel has not disputed the aforesaid fact of joining the investigation by petitioner and submits that her custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, order dated 26.04.2023, passed by this Court, is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

8. It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed hereinabove 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.
10. Present petition is accordingly disposed of.
11. Application(s) pending, if any, shall stand closed.

(HARSH BUNGER)
JUDGE

02.11.2023
sjks

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