

CRM-M-23468-2023

1

213-2

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

**CRM-M-23468-2023
Date of Decision: 24.05.2023**

Veena Dutta @ Sunanda Dutta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.128, dated 15.03.2023, registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Model Town, District Rewari (Annexure P-1).

2. On 09.05.2023 the following order was passed by this Court :-

“The petitioner has filed the present petition under section 438 of Cr.P.C seeking grant of anticipatory bail in case FIR No.128 (Annexure P1), dated 15.03.2023, registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, at Police Station Model Town, District Rewari.

2. *Succinctly, the abovesaid case FIR has been registered on*

the basis of a letter dated 17.02.2023 received from Tehsildar, Rewari in respect of a Will bearing Vasika No. 6103 dated 14.03.2017 along with another letter dated 31.01.2023 of Deputy Commissioner, Rewari regarding registration of the FIR against Smt. Veena Dutta @ Sunanda Dutta (petitioner) and Karan Dutta, wherein, it was alleged that on the basis of a forged Will, Smt. Sunanda Dutta (petitioner) had shown herself to be the owner of the property in question and, thereafter, illegally transferred the said property in favour of her son, Karan Dutta.

3. *From the FIR, it is borne out that some land was purchased by Smt. Shanti Dutta on 18.07.1963 and subsequently on 04.08.1987 one Harigyan Education Society (Shishushala School, Model Town, Rewari) was formed and school at the said place was started under the aforesaid Harigyan Education Society. The land is stated to be allocated No. 318 Model Town, Rewari measuring 4000 square yards. As per the FIR, Mrs. Shanti Dutta executed a will dated 27.03.2001 bearing Vasika No. 3702, whereby a residential house having area of 375 square yards situated within the premises of Shishushala School, Model Town, Rewari was bequeathed in favour of the petitioner-Smt. Veena Dutta @ Sunanda Dutta w/o Subhash Dutta. It is alleged that as per the Will dated 27.03.2001, Smt. Veena Dutta @ Sunanda Dutta (petitioner) had the right and title of only 375 square yards of land, however, she transferred the immovable property of 4000 square yards to her son Karan Dutta. It is alleged that Smt. Sunanda Dutta (petitioner) did not have any ownership of 4000 square yards of land and the said property was transferred on the basis of a property tax receipt by the Municipal Council, Rewari which is not a proof of ownership.*

4. *It appears that a recommendation was made regarding cancellation of the transfer deed bearing Vasika No. 6103 dated 14.03.2017 and also to take further action. Accordingly, the*

aforesaid case FIR has been registered.

5. *Learned counsel for the petitioner submits that the petitioner is an old lady of around 78 years of age and she has been falsely implicated in the present case. He submits that the property was originally purchased by one Kumari Shanti Dutta d/o Lt. Sh. Harikishan Lal Dutta in an open auction in the year 1963, whereupon, she constructed a school building and a school namely Shishushala School was started thereon. Subsequently, Kumari Shanti Dutta formed a society namely Harigyan Education Society which was registered on 04.08.1987 and as per the constitution (Annexure P-4) of the society, Kumari Shanti Dutta and her sister Kumari Chander Dutta were the Treasurer and Secretary in the said society and Kumari Chander Dutta was also the Principal. It is submitted that Kumari Shanti Dutta expired on 31.05.1992 and she was unmarried. Upon demise of Kumari Shanti Dutta, the management of the school is stated to have come under Kumari Chander Dutta. It is stated that Kumari Chander Dutta had obtained a succession certificate vide order dated 27.09.1994 passed by the Court of Senior SubJudge, Rewari in succession case No.9/22.02.1993. It is further stated that Kumari Chander Dutta during her lifetime appointed her nephew's wife namely Smt. Veena Dutta @ Sunanda Dutta (petitioner) as the Principalcum-Manager and Supervisor of the schools run by the society i.e Shishushala High School at Model Town, Rewari and Shishushala Public School, Sector 3, Rewari. It is contended that, Smt. Chander Dutta executed a registered will (Annexure P-11), dated 27.03.2001 in favour of Smt. Veena Dutta @ Sunanda Dutta (petitioner) bequeathing all her movable and immovable property to petitioner and since then petitioner was living in the house of Smt. Chander Dutta. Kumari Chander Dutta is stated to have expired on 10.07.2002 and thereafter, Smt. Veena Dutta @ Sunanda Dutta (petitioner) had been running and managing the Schools under the society,*

however, certain alleged members of the Trust namely “Kumari Shanti Dutta Memorial and Educational Trust” instituted a civil suit seeking declaration that Smt. Veena Dutta @ Sunanda Dutta (petitioner) had no right, title or interest over any of the accounts of the Shishushal School situated at Model Town, Rewari or over the funds of Kumari Shanti Dutta and also sought decree for permanent injunction. The said suit is stated to have been dismissed vide judgment and decree dated 29.03.2017, however, one appeal and one Civil Revision No. 2982 of 2021 is stated to be pending adjudication.

6. *Learned counsel for the petitioner submits that Smt. Veena Dutta @ Sunanda Dutta (petitioner) being the rightful owner of the property in question on the basis of the Will executed by Smt. Chander Dutta, had further transferred the same to her son (Karan Dutta) by way of registered transfer deed dated 14.03.2017. Learned counsel has referred to Annexure P-31 and Annexure P-32 to submit the property in question is free from all encumbrances. It is submitted that Karan Dutta (son of petitioner) has already been granted ad interim bail vide order dated 13.04.2023 (Annexure P-33) in **CRM-M-17087-2023**.*

7. *Learned counsel has submitted that the petitioner is ready and willing to join the investigation and to abide by any condition that may be imposed by this Court or by the trial Court, accordingly prayer for grant of anticipatory bail to the petitioner is made.*

8. *Notice of motion.*

9. *On the asking of the Court, Mr. Rupinder Singh Jhand, Addl. A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent/State and seeks time to get complete instructions in this matter.*

10. *List on 24.05.2023.*

11. *Without commenting anything on the merits of the case; 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, the petitioner 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.

12. A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.”

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

4. Learned State counsel on instructions from ASI Sube Singh has not disputed the aforesaid fact of joining of investigation by the 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, the present petition is allowed and the ad-interim order dated 09.05.2023 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) Cr.P.C.

8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded

CRM-M-23468-2023

6

above are only for consideration of the prayer for anticipatory bail at this stage.

10. The petition is accordingly disposed of.

24.05.2023
Himani

(HARSH BUNGER)
JUDGE

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