

CRM-M-29064-2023 (O&M)

208 (1st case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29064-2023 (O&M)

Date of decision: July 03, 2023

Amarjit Kaur

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Amardeep Singh, Advocate for petitioner.

Ms. Guramrit Kaur, DAG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner, stated to be 70 year old housewife, seeks anticipatory bail in criminal case bearing FIR No.25 dated 12.05.2018, registered under Sections 419, 420, 467, 468, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Khem Karan, District Tarn Taran.

2. According to the First Information Report (FIR), the father of the complainant, Hira Singh, was allocated 80 Kanals 17 Marlas of land, with Khewat No.185 and Khatoni No.493 by the Provincial Government and Mutation No.1685 was recorded in his name (as also recorded in Jamabandi for the year 2001-02). After the death of Hira Singh, complainant-Harjeet Singh, along with his brother Sarvanjeet Singh and sisters Nilli Singh and Tanni Singh, inherited the estate of Hira Singh. However, all the accused including petitioner herein, in collusion with each other and with the Tehsildar, Patwari, and Deed Writer, forged a sale deed on 05.02.2012. The forged sale deed falsely claimed the transfer of land measuring 61 Kanals 1 Marla to Amarjit Kaur (the petitioner) wife of Jagdish Singh, by impersonating Hira Singh. This sale deed was attested by Kashmir Singh Sarpanch and Jagdish Singh, son of Swaran Singh. Additionally, Joginder Singh, son of

CRM-M-29064-2023 (O&M)

Pritam Singh, represented himself as the attorney of Hira Singh and executed a sale deed on 28.05.2010 for land measuring 14 Kanals 16 Marlas in favor of his brother Gulzar Singh, son of Pritam Singh. This sale deed was attested by Darshan Singh and Santa Singh. Based on these forged sale deeds, mutation No.2044 and 2096 were fraudulently sanctioned in the revenue record. Thus, an FIR has been registered regarding this matter.

3. Learned counsel for the petitioner submits that no offence/ allegation of cheating or impersonation have been made out against the petitioner and her husband. Petitioner has been falsely implicated in the present case. Petitioner is *bona fide* purchaser of land in question at the behest of her husband. A civil litigation is already pending between the parties. Petitioner is more than 70-year old and has nothing to do with the alleged offence. He also submits that there is nothing to be recovered from the petitioner. Learned counsel for the petitioner further submits that petitioner is ready and willing to join investigation.

4. On the other hand, learned State counsel, on instructions from ASI Dilbagh Singh, opposes the petition and submits that petitioner along with other co-accused has committed serious offence. Custodial interrogation of the petitioner is required to unearth the whole incident and to conclude fair and meaningful investigation.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Perusal of the case file shows that a civil matter is also pending between the parties in this regard. Petitioner is stated to be 70-year old housewife. Husband of the petitioner was granted default bail by the trial Court. She is not involved in any other criminal case or declared as proclaimed offender. Petitioner's husband had *bona fide* purchased property in question on her name and she was only signatory to the documents. No offence of cheating/ impersonation is stated to

CRM-M-29064-2023 (O&M)

have been made in the FIR in question against petitioner and her husband. Complainant had filed the complaint against petitioner and other co-accused *qua* alleged forged sale-deed after a period of more than 5-year. Petitioner is also willing to join investigation and cooperate with the investigating agency.

7. Without commenting on merits of the case, this petition is allowed. In the event of arrest, petitioner is ordered to be released on anticipatory bail, in the present case, on her furnishing bonds to the satisfaction of Arresting/Investigating Agency. However, petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 03, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No