

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

205

**CRM-M-38716-2022 (O&M)
Date of decision: 14.02.2023**

Veena Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashesh Lal, Advocate and
Mr. Gaurav Rana, Advocate for the petitioner.

Mr. Rohit Arya, DAG Haryana.

Mr. Atul Yadav, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.355 dated 01.07.2010, registered at Police Station City Gurugram, under Sections 419, 420, 467, 468, 471 and 120-B IPC.

The status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner contends that the petitioner is a lady; that the FIR was registered on the complaint of Rajender Parsad and the petitioner has falsely been implicated in the present case; that as alleged, Vivek Kumar-son of the complainant was married to Laxmi and after marriage, they both went to London and returned on 05.10.2008; that thereafter, Vivek Kumar again went to London in the month of October-2008 after leaving behind his wife Laxmi ; that on 04.11.2005, flat No.1005, Block-J, 10th Floor was purchased by Laxmi and Vivek Kumar, in Wembly

Estate Rosewood City, Gurugram in their joint names but the entire payment was made by Vivek Kumar; that after a matrimonial dispute between Laxmi and Vivek Kumar, Laxmi lodged FIR under Sections 498-A, 323, 506 IPC against Vivek Kumar, complainant and his family members and that thereafter, Laxmi, daughter-in-law of the complainant, executed a power of attorney in favour of some person, who executed a sale deed of the said flat in favour of S.P. Singh and his wife Veena Singh (petitioner) by impersonating Vivek Kumar and preparing false documents, whereas at that time, the son of the complainant was at London.

Learned counsel for the petitioner further submits that it was also alleged that there was a loan against the said flat from ICICI Bank and sale deed could not have been executed without paying the loan amount; that in the said conspiracy, Laxmi, Baljit Singh-father of Laxmi, Shivender Partap Singh, Devender Partap Singh, Veena Singh (petitioner), D.P. Singh, Advocate Karan Singh and Officials from the office of Sub-Registrar Gurugram, are involved; that as per the FIR, the petitioner is one of the beneficiaries of the sale deed in question; that Laxmi has registered three cases against her in-laws family, including the complainant; that later the petitioner came to know there was a family settlement and that is why, the petitioner did not pursue the case and accordingly was declared a proclaimed offender vide order dated 21.08.2003, whereupon, the petitioner preferred a petition, wherein the petitioners therein, including the present petitioner, were directed to surrender before the trial Court/Illaq Magistrate on or before 04.08.2020, with a direction not to take coercive steps against the petitioner; that the petitioner has nothing to do with the present case and she has been in

custody since 04.08.2020; that the challan was presented in October-2020; that out of 37 prosecution witnesses, only 05 have been examined so far and that co-accused have already been granted the concession of bail.

Learned State counsel and learned counsel for the complainant, while vehemently opposing the prayer for bail, submit that there are specific allegations that the petitioner in connivance with other co-accused have by impersonating Vivek Kumar-son of the complainant, executed the sale deed of the flat in question in favour of the petitioner and her husband. It is further submitted that the petitioner was declared a proclaimed offender vide order dated 21.08.2003. However, they do not dispute the custody period of the petitioner.

Learned State counsel submits that some of the prosecution witnesses are yet to be examined.

Learned counsel for the complainant further submits that one more case at Noida is registered against the petitioner. The husband of the petitioner is also in the custody.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The petitioner has been in custody since 04.08.2020. The petitioner is a lady. Though there are specific allegations against the petitioner and other co-accused that they by impersonating Vivek Kumar-son of the complainant has executed the sale deed of the flat in favour of the petitioner and her husband. No doubt that the petitioner was earlier declared a proclaimed offender, but in the petition challenging the order of proclamation, she was directed to surrender before the learned trial Court/Illaq Magistrate

and direction was issued that no coercive steps shall be taken against her. The remaining 32 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

14.02.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No