

CRM-M-40971-2023

2023:PHHC:138880

211-3

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40971-2023

Date of decision:-31.10.2023

Sukhdeep Kaur

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Amit Kumar Saini, Advocate
for the petitioner.

Mr.Sandeep Kumar, DAG, Punjab.

Mr.Rahul Rampal, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
142	30.04.2023	City, Kharar, District SAS Nagar	406, 420, 465, 467, 468, 471 and 120-B IPC

2. Case of the prosecution is that FIR, Annexure P1, has been registered by Gurmukh Singh on the allegation that Amrik Singh forged the

title deeds of some shops belonging to the complainant and sold them to Jaspreet Kaur by misleading her that the property belongs to M/s Skylark Enclave, Kharar. Jaspreet Kaur, Kulwinder Singh, Gurjit Singh, Jaswinder Singh, Sukhdeep Singh, Sandeep Singh, Bhavneet Singh, Sukhdeep Kaur (present petitioner) and Sandeep Singh son of Mohan Singh were a party to the fabrication of the record.

3. Counsel for the petitioner contends that although the petitioner has been named in the FIR but she is not the executant of the alleged forged documents. He submits that although there is an allegation that an amount of Rs.50,000/- was transferred to her bank account but the amount was deposited by Sukhdeep Singh, co-accused on 28.07.2021, much prior to the execution of the alleged sale deed. He submits that the dispute between the parties has been amicably settled and it has been reduced into writing on 28.9.2023. Counsel submits that the petitioner, who is a home-maker is no longer required for custodial interrogation as the investigation qua her is complete.

4. *Per contra*, State counsel on instructions from ASI Balwinder Singh has opposed the petition and submits that the petitioner has acted in connivance with the co-accused and was hand-in-glove with them. He submits that although challan has been presented but charge has not been framed and she is involved in another criminal case with almost similar allegations.

5. Counsel for the complainant does not dispute the settlement between the parties. However, he submits that the compromise deed has

been signed by Mewa Singh, who claims to be the authorized representative of the petitioner.

5. I have heard counsel for the parties and considered their respective submissions.
6. The offences allegedly committed by the petitioner are triable by a Magistrate. Investigation insofar as the petitioner is concerned has concluded. There is no apprehension that the petitioner can pose a threat to the prosecution witnesses or that she is likely to flee. The dispute has been settled between the parties and the petitioner is in detention since 13.05.2023 as per custody certificate, which is available on the record. This Court is, therefore, inclined to accept the prayer made in the petition.
7. Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

31.10.2023
Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No