

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

2023:PHHC:054467

CRM-M-55305-2022

Date of Decision: 19.04.2023

RESHMA DEVI

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vazir Singh Mor, Advocate &
Mr. Rajat Sheokand, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Mr. Pankaj Maini, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in case bearing FIR No. 808 dated 28.10.2022 under Sections 120-B, 420, 448, 467, 468 & 471 IPC registered at Police Station Hansi City, District Hansi.
2. On 30.11.2022, the Co-ordinate Bench of this Court had passed the following order:

“Learned Senior Counsel for the petitioner inter alia contends that the petitioner is a 65 year old widow and in the FIR, no specific allegations have been levelled against the present petitioner and the petitioner is sought to be implicated on account of being the mother of Saroj Bala and the FIR has been registered after a delay of 20 years inasmuch as the plot which was having old property No.768B/16 was registered in the name of Saroj Bala in the Assessment Register of Municipal Council Hansi, Hisar since 2002-03 whereas the complaint regarding the matter was given by the complainant on 03.10.2022 upon which FIR has been registered on 28.10.2022. It is further submitted that old property No.768B/16 was changed to new No.989A/18 in the name of Saroj Bala and the said Saroj Bala has been regularly paying the house tax for every year and copies of some of the house tax receipts are attached with the paper book as Annexures P-4 and P-5. It is contended that in the year 2008, there was a tea

shop in the plot which was being run by Saroj Bala and in the year 2014, the said Saroj Bala by demolishing the old construction had raised construction of three shops on new plot by getting the site plan approved and has been paying the property tax and fire tax since then. It is further contended that the said Saroj Bala has deposited the development charges and garbage collection charges amounting to Rs.34,420/- and accordingly, No Dues Certificate has also been issued in favour of Saroj Bala. It is argued that the present dispute has civil trappings and Saroj Bala would defend her possession in civil suit by taking a plea of adverse possession. It is further argued that neither the offence of cheating, nor forgery or house trespass is made out in the present case.

Notice of motion for 09.02.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned Senior counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

4. Learned State counsel, on instructions from SI Rajesh, has not disputed the aforesaid factual aspect and further submitted that the custodial interrogation of the petitioner is not required.

5. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 30.11.2022 is made absolute.

19.04.2023

Janki

**(VIVEK PURI)
JUDGE**

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