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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 57037-2023 (O&M)

Date of Decision 23.11.2023

*Sukhdev Kaur**.....Petitioner**versus**State of Punjab**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Manuj Nagrath, Advocate for the petitioner

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Rajbir Sehrawat, J, (Oral)**CRM 48715-2023**

1. Prayer in this application filed under Section 482 of the Code of Criminal Procedure is for placing on record a copy of final report dated 02.10.2023 (Annexure P-14) and sale deed (Annexure P-15).

2. For the reasons mentioned in the application, the same is allowed and the documents (Annexure P-14 and P-15) are taken on record.

CRM M 57037-2023

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 131 dated 11.08.2022, registered under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, at Police Station Division No. 2, Ludhiana (Annexure P-1).

2. It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner has not committed any crime as alleged against her. Even as per the story of the prosecution, the complainant has alleged that all the legal representatives of Puran Singh, who were in occupation of the property, have wrongly claimed ownership over the property in dispute; despite the fact that none of them was owner. Although the petitioner is alleged to have transferred the property to Lalit Kumar, Gaja Nand and Vinod Kumar but similar transaction had taken place earlier as well, amongst the legal heirs of said Puran Singh. Even they had claimed the ownership over the property. However, one of the legal heirs of Amrik Singh s/o Puran Singh, *namely*, Gurpreet Kaur daughter of Amrik Singh has been granted concession of anticipatory bail by this Court. Hence, the petitioner has to be treated at par with her. Otherwise also, the matter involved is, primarily, of civil in nature; which has wrongly been converted into a criminal case. Moreover, the complainant has already compromised the matter qua the legal heirs of Amrik Singh. The petitioner, being a women, deserves leniency from the Court and needs to be protected against her arrest. The petitioner shall join the investigation as and when called for by the police.

3. Notice of motion.

4. Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent – State. Mr. Kanwaljeet Singh, Advocate has put in appearance and filed his *vakalatnama* in Court today on behalf of the complainant.

5. It is submitted by counsel for the State; being instructed by ASI

Gurpreet Singh and being assisted by counsel for the complainant; that the owner of the property in question was one Hans Raj son of Shri Dewan Chand, who was allotted the same, on free hold basis, by the Government department, vide conveyance deed dated 01.10.1955. The predecessor-in-interest of the petitioner, *namely* Puran Singh was given the said property only to reside therein for some time. However, thereafter, the original owner had died, and the complainant being his nephew is staking his claim over the said property. So far as the petitioner and other legal representatives of Puran Singh are concerned, they had never acquired the title or legal right to the property through any legal means or through the process of the Court. Hence, they had no right or title to transfer the same in favour of any other person. Accordingly, it is submitted that since the petitioner and her co-accused were well aware of the fact that they had no right or title to transfer the property and despite that, they had transferred the same with an intention to deprive the complainant of the same, therefore, they had committed heinous crime. The investigation of the case is still at the initial stage. The police need custodial interrogation of the accused to find out the complicity of the petitioner in the crime and the extent thereof. Moreover, the documents and money, exchanged in the process, are yet to be recovered by the police. The petitioner does not deserve the concession of anticipatory bail. Qua co-accused, *namely*, Gurpreet Kaur daughter of Amrik Singh, who has been granted concession of anticipatory bail by this Court, it is submitted by counsel for the State that she is not the signatory to the sale deed executed in favour of the above said persons. If at all, she was involved in any transfer, that is much earlier and is within the family as from one L.R.

of Puran Singh to the other L.R., and she had not executed any sale deed in favour of any person outside the family. With regard to the alleged compromise with the legal heirs of Amrik Singh and Shakuntla daughter of Puran Singh, it is submitted by counsel for the complainant that the said persons had not transferred the property to anyone outside the family. Moreover, they had agreed to relinquish their right qua the property in favour of the complainant, therefore, qua those persons, the matter was rightly compromised. However, the petitioner had attempted to deprive the complainant of his right by transferring the property to a third person by out right sale, therefore, no compromise was ever entered into with the petitioner in the matter.

6. In view of the facts and circumstances available on the case file, as well as, submissions made counsel for the State, this Court does not find it appropriate to interfere in the matter so as to grant concession of anticipatory bail to the petitioner, at this stage.

7. Dismissed.

(Rajbir Sehrawat)
Judge

November 23, 2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No