

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10633-2024
Date of decision: 03.05.2024

Meena @ Meenakshi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Jasleen Kaur, Advocate for the petitioner.
Mr. Kuljit Singh, Addl. A.G. Punjab.
Mr. Dinesh Trehan, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of regular bail in case having FIR No.3 dated 08.01.2024 under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station Model Town, Ludhiana.
2. The brief facts of the case are that FIR in this case was registered on the basis of the complaint lodged by Deepak Kathuria wherein he has alleged that property dealer Tarun Taneja, Harvinder Singh Sachdeva, Parminder Singh Sachdeva had shown SCO-105 Phse-1, Urban Estate, Dugri, Ludhiana having area of 331.58 square yard to the complainant and his uncle Anil Jit Singh with proposal that the same is for sale and they also saw papers with regard to said property which were there with the aforesaid accused persons. The accused persons also projected that the said property was owned by Mandeep Singh and then they met said

Mandeep Singh who also produced papers with regard to said property which were in his name on the basis of registered sale deed dated 25.05.2017. Mandeep Singh also showed them copies of allotment letter, clearance certificate etc. Even Tarun Taneja, Harvinder Singh, Parminder Singh, Upjit Singh and Naresh Kumar Sharma stated that they have already checked all the documents relating to aforesaid property and ensured that all the documents are correct. That complainant believed the aforesaid assurance given by the accused person and he and his uncle Anil Jit Singh entered into an agreement with regard to purchase of the aforesaid property with Mandeep Singh for a sum of Rs.5,50,00,000/- and paid Rs.1,25,00,000/- as earnest money to Mandeep Singh in presence of all the property dealers. Even after execution of the said agreement, Tarun Taneja, Parminder Singh, Upjit Singh and Naresh Kumar Sharma took the proposed vendees to office of GLADA and where the documents were checked by computer operator Amit Kumar Tewari and one another computer operator and they also assured that the property is recorded to be owned by Mandeep Singh son of Gurcharan Singh resident of Patiala. On believing their version, finally registered sale deed dated 28.06.2022 was executed in favour of complainant and Anil Jit Singh by Mandeep Singh and it was attested by Tarun Taneja, Naresh Kumar, Upjit Singh and Harvinder Singh and total sale consideration of Rs.5,50,00,000/- was received from vendees by aforesaid persons and Mandeep Singh. Later on, complainant came to know that the said property was not owned by Mandeep Singh and that the documents shown to him by the accused persons were fake.

3. The counsel for the petitioner submits that petitioner is falsely implicated in the present case, on the ground that she is wife of co-accused Raj Singh who at the relevant time was working on contractual basis with GLADA. It is further submitted that petitioner who is a lady was arrested on 04.02.2024 and is presently lodged in judicial custody and after completion of investigation, police has presented challan against the petitioner. It is further submitted that no allegations of cheating, fraud or forgery are there on the record against the present petitioner. It is further submitted that police also recovered certain money worth more than Rs.5,00,000/- from house of the petitioner at the time of her arrest. It is further submitted that the said amount was relating to sale proceeds of one car which was sold by her and Raj Singh her husband. It is further submitted that it will take considerable time for trial to conclude. So, prayer is made that the petitioner be released on regular bail during pendency of the trial.

4. The present petition is resisted by the State counsel as well as counsel for the complainant who submits that as per report submitted by SIT, petitioner received Rs.10,00,000/- on behest of her husband Raj Singh, out of which cash worth Rs.5,19,00,000/- is already recovered. It is further submitted that petitioner was arrested in this case on 04.02.2024 and after conclusion of investigation, challan has been presented against the petitioner by police.

5. I have considered the submissions made by counsel for the parties.

6. All the offences are triable by Judicial Magistrate Ist Class. The petitioner who was arrested on 04.02.2024 is presently lodged in judicial

custody. Police has presented challan under Section 173 Cr.P.C. against the petitioner, on completion of investigation and recovery of certain cash is already effected at the instance of the petitioner. It will take time for the trial to conclude, even after the framing of charges. In the given circumstances, no purpose is going to be served by prolonging the judicial custody of the petitioner who is having no criminal antecedents.

7. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.05.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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