

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12962-2024
Date of decision: 19.03.2024

DAYAWATI

..... Petitioner

versus

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR.JUSTICE KULDEEP TIWARI

Present:- Mr. Mahavir Singh Sharma, Advocate
for the petitioner.

Mr. Avinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Section 439 Cr.P.C. prayer is made for grant of regular bail in case FIR No.272 dated 02.05.2022, under Sections 420, 467, 468, 471, 506, 34 & 120-B of IPC, registered at Police Station Kharkhorda, District Sonipat.

2. On perusal of the FIR, it reveals that the petitioner earlier transferred a piece of land in favour of her son through registered sale-deed dated 15.01.2015. However, later on she mortgaged the said land for a sum of Rs.12,00,000/-, with a condition that she would repay the same along with interest @ 1.5%. However, she failed to pay the principle amount, or the interest, to the complainant, and since the petitioner was not competent to execute the mortgage deed, **of the said land which was given to the complainant.**

3. On the asking for the relief of regular bail, the learned counsel for the petitioner submits that the petitioner is an old, illiterate lady, and remains ill due to various disease. He further submits that the petitioner has not received any amount from the complainant, nor she had signed any document.

He further submits that all the offences in the instant matter are triable by the

learned Judicial Magistrate 1st Class concerned, and the petitioner has already suffered incarceration of more than 08 months as on today.

3. The learned State counsel has filed the custody certificate issued by Mr. Krishan Kumar Maan, Deputy Superintendent, District Sonipat, and the same is taken on record, which strengthens the arguments of the learned counsel for the petitioner, that the petitioner has suffered incarceration of 08 months and 14 days as on today.

4. This Court has considered the plea as raised by the learned counsel for the petitioner, and considering the fact that the petitioner is an old lady, and has already suffered incarceration for about 8 months and 14 days as on today, and the trial is yet to commence, and will take a long time in its conclusion, and the fact that the co-accused-Pawan Kumar, who is real son of the petitioner, has already been extended the benefit of regular bail, and also the fact that the petitioner is not involved in any other case, and in the present case she was arrested on dated 05.07.2023, and since then she is behind the bars. This Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

5. The petitioner is ordered to be released on bail on furnishing of bail bonds, and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the case, and is only meant for deciding the present petition.

(KULDEEP TIWARI)
JUDGE

19.03.2024
Anu

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No