



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-29876-2024

Date of decision: 04.07.2024

Sunita Rani

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Baljeet Beniwal, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

Mr. Gautam Kumar, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.342 dated 29.05.2023 under Sections 406, 420 of the IPC (Sections 201 and 34 of the IPC added lateron) registered at Police Station Palla, District Faridabad.

2. In compliance of order dated 13.06.2024, reply by way of affidavit of Monica, HPS, Assistant Commissioner of Police, Women Safety, Faridabad, on behalf of the respondent-State has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the State while drawing the attention of this Court to the aforementioned affidavit, has contended as follows:-



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3(a). After registration of the FIR in question, investigation commenced, and statements of the witnesses were recorded under Section 161 of the Cr.P.C.

3(b). On 15.06.2023, the complainant joined investigation and produced records related to the plot in question. These records showed that the petitioner Sunita Rani executed a General Power of Attorney (GPA) and a Will on 02.02.2021, in favour of co-accused Devender Sharma, despite having already transferred the plot to her father Mange Ram Yadav, on 19.11.2017.

3(c). On 22.03.2024, the Special Power of Attorney (SPA) dated 28.04.2022, was obtained from the office of the Sub Registrar, Ghaziabad. This SPA revealed that co-accused Devender Sharma had executed it in favour of complainant Vivek Mishra.

3(d). On 26.03.2024, records from the office of the Tehsildar, Faridabad confirmed that the disputed plot situated in Village Tilpat, had been transferred in the name of Mange Ram Yadav in the year 2017. Thereafter, certified copies of these records, including the jamabandi and the aks-shajra, were taken into possession.

3(e). Investigation further revealed that the petitioner fraudulently executed a GPA for the plot in favour of Devender Sharma, after receiving Rs.7,51,000/- despite the plot already having been transferred to her father, years earlier. Co-accused Devender Sharma, in turn, cheated the complainant out of Rs.7,51,000/- using this GPA. The petitioner is the prime accused in the present case. Despite being served multiple notices under Section 41A of the Cr.P.C., the



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petitioner had not been joining investigation and had been evading her arrest.

3(f). Furthermore, on 22.02.2022, the petitioner destroyed documents after receiving Rs.7,51,000/- from the complainant, leading to the addition of offences under Sections 201, 34 IPC on 10.05.2024.

3(g). During investigation on 17.08.2023 records of the GPA and Will executed by the petitioner in the year 2021 were obtained from the office of the Sub Registrar, Gautam Budh Nagar, confirming her fraudulent acts and involvement in offences under Section 420, 406 of the IPC. The petitioner had no right to execute the GPA and the Will since it was a matter of record that she had already transferred the plot to her father in 2017.

3(h). Learned State counsel has vehemently prayed for the custodial interrogation of the petitioner to recover not only the cheated amount but also fully uncover the extent of crime particularly since the property in question is located within the NCR of Delhi, where such crimes have become increasingly/prevalent. It has been prayed that in the aforementioned circumstances and the mode and manner in which the petitioner has executed the crime in question, the instant petition be dismissed as there is a reasonable apprehension that she could tamper with material evidence and also misuse the concession of anticipatory bail by absconding.

4. Learned counsel for the petitioner, on the other hand, has controverted the contents of the affidavit filed by the learned State counsel and also the submissions made by arguing as follows:-



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4(a). That a perusal of the FIR in question shows that even if the version put forth by the complainant is taken as true, no offence is made out against her. The petitioner has not been named in the FIR much less any allegations levelled against her. Thus, it is evident that the petitioner is not involved in any manner in the present case.

4(b). That the allegations against the petitioner are that despite having executed a transfer deed of the concerned plot in favour of her father in the year 2017, she had executed a SPA in favour of co-accused Devender Sharma who in turn allegedly used the SPA along with co-accused Shri Bhagwan, to cheat the complainant of a sum of Rs.7,51,000/-. Learned counsel has submitted that the petitioner is a widow and did not execute any agreement to sell to the complainant. She did not receive any money from the complainant and co-accused and had no direct dealings with the complainant. Rather she herself is a victim of cheating by the co-accused. Furthermore, when the petitioner became aware of the alleged fraud, she cancelled the SPA granted to co-accused Devender Sharma on 23.03.2023 and in fact it was co-accused Devender Sharma who had fraudulently obtained the SPA from the petitioner.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Before proceeding further, it would be apposite to reproduce the allegations levelled in the FIR against the petitioner, which are as under:-

“To, SHO Sahib Police Station Palla Faridabad. It is requested that 1 Vivek Mishra S/O Sh. Vishwanath Mishra,



resident of 2495, Surdas Colony, Tilpat, Faridabad. In february 2022, I had talk with Shri Bhagwan dealer about a 40 square yard plot. Shri Bhagwan showed me a plot in Surdas Colony and showed the documents of the house. Our deal was finalized at Rs 7,51,000/-. On 22.02.2022, Shri Bhagwan got signed the agreement with Devendra Sharma S/O Dharamveer Sharma resident of 180, Sector 34, AEI, Faridabad. While signing the agreement, Devendra Sharma told that this plot is mine. I made all the payments within two months, as and when I used to give the money for the plots to Shri Bhagwan, Shri Bhagwan used to write it on the back of the agreement. After paying all the money, Devendra Sharma issued SPA in my name on 28-4-22 and gave me the chain of plot papers. (Documents are attached). Shri Bhagwan took the original agreement from me and tore it. Now when I started constructing my plot, then a person named Shiv Kumar came to me and showed me the plot documents and said that this plot is mine. I talked to Shri Bhagwan. Today on dated 07-01-2023, both Shiv Kumar and Shri Bhagwan both came to my plot and scolded the workers and stopped the work. When I reached there, both of them started saying that take these bricks of yours from here and run away otherwise we will uproot these bricks of yours and throw them away. I told Shri Bhagwan that I have taken this plot and you are the one who got this plot. Then Shri Bhagwan said, you don't have any proof, I have torn the agreement, now you can do whatever you want. Nothing will happen to me. When I said to do complaint to the police then he started saying, run away from here quietly or else you will lose your life. Sir, I request you to get me justice. Everyone is in collusion and want to grab my plot. Appropriate legal action should be taken. Dated 07.01.2023”

7. There are specific and serious allegations against the petitioner that despite having already executed a transfer deed of the plot in question in favour of her father, she fraudulently executed an SPA in favour of co-accused Devender Sharma, who then cheated the complainant of an amount of Rs.7,51,000/-. The petitioner prima facie appears to be the prime accused in the case in hand. This Court concurs with the prayer made by the learned State counsel that her custodial

interrogation is essential to fully unearth the crime in question and recover all relevant documents, especially given the prevalence of such offences in the NCR of Delhi. In the facts and circumstances as enumerated hereinabove, the petitioner thus, does not deserve the extraordinary concession of anticipatory bail.

8. Accordingly, the instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No