

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45128 of 2023
Reserved on:08.01.2024
Pronounced on: 12.01.2024

Ramanjeet Kaur @ Ramnit KaurPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Inderjeet Singh, Advocate for the petitioner
(through V.C.).

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Namit Khurana, Advocate for the complainant.

DEEPAK GUPTA, J.

By way of present petition filed under Section 438 Cr.P.C.,
petitioner prays for grant of anticipatory bail in case FIR No.249 dated
10.07.2023 registered under Sections 409, 420, 120B and (Sections 467,
468, 471 IPC added later on) at Police Station Bilaspur, District Yamuna
Nagar.

2. FIR was lodged on the complaint of Ramesh Chand son of
Ghanshyam Dass resident of Village Bheel Chhappar, as per which he is
having ancestral land measuring about 3500 sq. meter within the abadi deh
of Village Bheel Chhappar, which after the death of his father Ghanshyam
Dass, is owned and possessed by him. It was alleged that Ex-Sarpanch
Ramneet Kaur (present petitioner) by misusing her official position, got the

said land transferred in the name of her husband – Gurdev Singh and one Vijay Kumar in a fraudulent manner.

3. FIR was registered. During course of investigation, necessary record from the Office of BDPO, Bilaspur was collected. It was found that after conducting survey, Government of Haryana had directed for execution of title deeds under the *Swamitav* Scheme in favour of a person, who has been found in possession over the land/ property situated within the Lal Dora/ Abadi Deh of the Village. As per the field book maintained in the Office of BDPO, Bilaspur, at Sr. No.174, there is a Masjid; whereas, at Sr. No.173, there is entry of a plot in the name of Ghanshyam Dass, father of complainant. Ghanshyam Dass has also executed a Will in respect of the plot in favour of the complainant. The statements of villagers were recorded, as per which also the plot is in possession of the complainant. It was found that the accused person including the petitioner have got the title deed of this plot in their names by committing forgery. It was further found during investigation that petitioner in connivance with her husband Gurdev Singh, another known person Vijay Kumar got the title deeds executed in their favour in respect of the ancestral property of complainant Ramesh Chand situated in abadi of Village Bheel Chhappar by showing resolution No.1 dated 10.02.2021, though as per the record of Gram Panchayat, Bheel Chhappar, no such resolution was ever passed on 10.02.2021 and thus, a fake resolution No.1 dated 10.02.2021 has been shown in the Registry with an intention to cause loss to the complainant.

4. It is contended by learned counsel that under the *Swamitav* Scheme, launched by the State Government, more than 300 title deeds were executed by virtue of resolution No.1 dated 10.02.2021 and that one of such title deed was executed in favour of husband of the petitioner on the basis of

possession as verified by the Nambardar and the other officials. It is contended further that complainant Ramesh Chand never raised any objection at the time of preparing the map with the drone by the government officials or at the time of execution of the sale deed in favour of husband of the petitioner, which was in his possession right from his ancestors. Besides, complainant has already filed a civil suit for declaration challenging the sale deed, whereas husband of the petitioner has filed a suit for injunction, in which status-quo order has been passed. Learned counsel contends further that petitioner has no criminal antecedents; that dispute is civil in nature, which has been given the criminal colour; that case is based upon documentary evidence and that the petitioner is ready to join the investigation.

5. Strongly opposing the bail petition, learned State Counsel supported by counsel for the complainant submits that custodial interrogation of the petitioner is required in order to effect the recovery of resolution No.1 as referred in the sale deed, because as per the evidence collected so far, no such resolution was ever passed and that a fake resolution has been projected.

6. Heard. Submissions of both sides considered.

7. On 12.09.2023, it was claimed by learned counsel for the petitioner that the entire record had already been handed over to the present Panchayat. Since the petitioner had referred about specific resolution, whereby she executed the title deed in favour of her husband and another person, so present Sarpanch was asked to be joined in the investigation and to inform as to whether there was any such resolution or not. However, as per the status report filed by the respondent- State, there is no such resolution No.1 dated 10.02.2021, available on record.

8. Learned counsel for the petitioner still insisted on 21.09.2023 that he had received copy of a resolution through Right to Information Act, though the date of resolution was wrongly mentioned in the sale deed, as the actual date of resolution is 05.02.2021. As per the direction of the Court, petitioner placed on record copy of the said resolution No.1 dated 05.02.2021 but the perusal thereof would reveal that Director, Land Records and Statistics Centre, Chandigarh had prepared a Abadi Deh map, which had been received by the Gram Panchayat Bheel Chhappar on 06.01.2021 and by way of this resolution, the objections and claims were invited from the people. Thus, this resolution did not authorise in any manner to the petitioner to execute the transfer deeds under the *Swamitav* Scheme in favour of her husband or anybody else.

9. Not only above, the copy of the field book of Village Bheel Chhappar, as placed on record by the respondent- State would reveal that at Sr. No.173, Ghanshyam Dass son of Ditta Ram is recorded to be in possession of the land; whereas at Sr. No.174, there is a Masjid. It is the land mentioned at Sr. No.173 and 174 of the field book, which has been transferred in favour of husband of the petitioner and one another. Learned counsel for the petitioner has failed to convince this Court, as to when the husband of the petitioner came in possession of the said land and on what basis whatsoever, the title deed in favour of the husband of the petitioner has been executed.

10. Having regard to the afore-said facts and circumstances, the custodial interrogation of the petitioner will be required to unearth the entire truth and also to recover the resolution No.1 dated 10.02.2021, if any, as referred in title deed executed in favour of husband of the petitioner.

Consequently, without commenting anything on the merits of the case, this

Court is not inclined to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

January 12, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No