



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M No.43726 of 2024
Date of decision: 15.10.2024

MANDEEP KAUR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. P.S. Ahluwalia, Advocate for the petitioner.
Mr. A.S. Samra, A.A.G., Punjab.

Mr. Bipan Ghai, Sr. Advocate with
Mr. Prabhdeep S. Bindra, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory
bail to the petitioner in case FIR No.111 dated 03.08.2024 registered under
Sections 406 and 420 of IPC at Police Station Mullanpur, District SAS Nagar.
2. Vide order dated 05.09.2024, passed by this Court, the petitioner
was granted interim bail and was directed to join investigation. Order dated
05.09.2024, passed by this Court, reads as under:

*“The instant petition has been filed by the petitioner for grant
of anticipatory bail in case arising out of FIR No.111 dated
03.08.2024 registered under Sections 406 and 420 of IPC at Police
Station Mullanpur, District SAS Nagar.*

*As per the prosecution allegations, the petitioner who
jointly with her minor child owned land measuring 22 kanal
situated in village Guda Majri, entered into an agreement to sell the
same in favour of the complainant- Narinder Pal on 11.01.2017 by
executing a written agreement. She had obtained a sum of ₹27 lacs*



as earnest money. However, with regard to the same land, she entered into another agreement to sell dated 17.05.2017, in favour of one Sham Lal and received an amount of ₹17 lacs as earnest money. By concealing the factum of the previous agreements executed by her in favour of the complainant-Narinder Pal and Sham Lal, she further executed agreement to sell dated 06.05.2016 and 05.02.2019 in favour of the Tarsem Lal and received an amount of ₹50 lacs as earnest money from him. The complainant alleged that subsequently, on 05.02.2019, she executed sale deed qua the same land in favour of Baldev Singh and Nirmal Singh who are her relatives and thereby she duped the complainant and others of huge amount of money. As such, he prayed for taking action against the petitioner. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, SAS Nagar vide order dated 16.08.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case by the complainant who is member of a syndicate comprising of himself and abovenamed Sham Lal and Tarsem Lal. They are members of a real estate mafia engaged in usurping the properties of vulnerable victims. The petitioner is a young widow. She never executed any agreement to sell in favour of the complainant. She has joined the inquiry initiated by the Police authorities and is still ready to give her signatures for the purpose of comparing the same with the



signatures on the alleged agreement. The investigating agency had been insisting upon her to give her signatures before Naib Tehsildar, though as per the procedure prescribed under Section 311-A of the Cr.P.C. now substituted by Section 349 of Bharatiya Nagarik Suraksha Sanhita (BNSS), it is only Magistrate who is competent to take specimen signatures or finger impressions for the purpose of any investigation. It is submitted that she never received any money from the complainant. No recovery is to be effected from her. Her custodial interrogation is not required. She only entered into an agreement to sell her property with Tarsem Lal on 06.05.2016 and with none else. Sale deed in respect of the property in dispute was executed in the presence, with the knowledge and concurrence of Tarsem Lal who even stood as a witness to the said sale deed dated 05.02.2019. In fact, it is in pursuance of a conspiracy being hedged against her, the abovenamed Tarsem Lal and Sham Lal who have criminal antecedents and by projecting the complainant as a business associate, Sham Lal has framed her in this case. The dispute is even otherwise of civil nature. The ingredients of subject offences are not attracted. With these broad submissions, it is urged that the petition deserves to be allowed.

Notice of motion.

On asking of the Court, Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State and seeks time to file status report.

At this stage, Mr. Bipan Ghai, Sr. Advocate with Mr. Nikhil Ghai and Mr. Prabhdeep S. Bindra, Advocates appeared on



behalf of the complainant and seek time to file vakalatnama and to address arguments.

Adjourned to 15.10.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Status report dated 14.10.2024 filed on behalf of the respondent-State is taken on record. It is submitted by learned State counsel as well as in the status report that the petitioner has joined the investigation on 11.09.2024 and has also given her specimen signatures during the course of the investigation which are sent to the FSL for examination. The custodial interrogation of the petitioner is not required.

4. Keeping in view the above mentioned facts and circumstances, no useful purpose would be served by detaining the petitioner in custody. Hence, the present petition is allowed and the order dated 05.09.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

15.10.2024
Jyoti-IV

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