

2025:PHHC:049043



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

**CRM-M No.12270 of 2025
Date of Decision: 09.04.2025
Reserved on: 04.04.2025**

Lalita @ Lalita Devi

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.K. Girdhwal, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

Respondent No.2/complainant in person.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
282	27.09.2023	City Jhajjar, District Jhajjar	420, 467, 468 and 471 of IPC

2. The aforementioned FIR had been registered on the allegations that one Prabhu Dyal was owner of property situated at village Kamalgarh, District Jhajjar. He was unmarried and had died. After his death, mutation of inheritance of his property was got entered in the name of his sister Sheelavati only, whereas the complainant and other

2025:PHHC:049043



siblings of Sheelavati had inherited the same. This mutation was got entered by Sheelavati in-conivance with the co-accused Jagmohan, who subsequently got the above said property transferred in the name of his wife i.e. the present petitioner, thereby causing wrongful loss to the lawful heirs of deceased Prabhu Dyal and to cheat them. The petitioner and co-accused had made false representation and thereby committed fraud and therefore, prayer was made by the complainant for taking action. After registration of the FIR, investigation proceedings have been initiated. Apprehending her arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Jhajjar vide order dated 07.01.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. The co-accused Jagmohan who is her husband has been granted interim relief by Hon'ble Supreme Court. She does not have any criminal antecedents. The ingredients for commission of offences for which she has been booked are at all not attracted against her. She is ready to join the investigation. Her custodial interrogation is not required. Neither any recovery is to be effected from her. Accordingly, it is urged that she deserves to be extended benefit of pre arrest bail.

4. Status report has already been filed. Respondent No.2 has appeared in person. Learned Deputy Advocate General, Haryana assisted by respondent No.2 has argued that the petitioner in connivance with the co-accused had got sanctioned a mutation of inheritance of deceased Prabhu

2025:PHHC:049043



Dyal only in favour of Sheelavati concealing that other legal heirs of Prabhu Dyal were alive. The property from Sheelavati had been purchased in the name of the petitioner to cause wrongful loss to the complainant and other persons who were legal heirs of the deceased. She is beneficiary of the transaction of sale deed. Her custodial interrogation is required for conducting thorough investigation in the matter. Accordingly, it is urged that the petition does not deserved to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner by hatching a conspiracy with the co-accused is alleged to have got transferred land which was belonging to Prabhu Dyal in her favour after getting the mutation of inheritance of the said land sanctioned in favour of Sheelavati by concealing the fact that the deceased had left other legal heirs. For the purpose of conducting thorough investigation in the matter. Custodial interrogation of the petitioner is must. Even otherwise, the powers for grant of anticipatory bail are extraordinary which are to be exercised sparingly and in exceptional circumstances. The Court has to be circumspect that anticipatory bail should not be granted as a matter of rule but only when it is convinced that exceptional circumstances exist to resort to that extraordinary remedy which do not appear to be existing in this case. The arrest of the co-accused has been ordered to be stayed by Hon'ble Supreme Court. However, the petitioner is ultimate beneficiary of the transaction and her case cannot be stated to be at parity with the co-accused. In view of the above discussed facts as enumerated

2025:PHHC:049043



above, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

09.04.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No