



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

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CRM-M-31951-2025

Date of decision: 4th August, 2025

Sushila Joshi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Akun Sheemar, Advocate for the petitioner.
(through VC)

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 282 dated 27.09.2023 registered under Sections 420, 467, 468 and 471 of IPC at Police Station City Jhajjar, District Jhajjar.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant Mahesh Kumar alleging therein that he had lodged a complaint against Sheelavati, Lalita Devi, Pushpa Devi, and Ashwani Kumar, alleging that they had conspired to usurp the land owned by him by committing fraud. Inquiry was conducted by SI Rajbir and it was revealed that the accused Jagmohan in connivance with his wife Lalita Devi had got entered the mutation of land owned by Prabhu Dayal in the name of



his sister Sheelavati @ Sushila Joshi(petitioner) and had got the said land transferred in favour of his wife Lalita Devi. After registration of FIR, investigation proceedings have been initiated. In the affidavit sworn by the petitioner, it was mentioned that there was no other legal heir of Prabhu Dayal who had died, whereas, in fact, apart from the petitioner, sons and daughters of brothers and other sister of Prabhu Dayal were also alive. As the petitioner was also shown to have connived with the co-accused Jagmohan and Lalita Devi to cause wrongful loss to other legal heirs of Prabhu Dayal, therefore, she has also been nominated as an accused. Apprehending her arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Jhajjar, which was dismissed vide order dated 03.06.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. In fact, accused Jagmohan, who is her nephew, in conspiracy with his wife-Lalita Devi and some revenue officials committed fraud upon her. With an intent to cause wrongful loss to her and for their wrongful gain, they had exerted pressure upon her to sell her share in the land in question to them and on that pretext, had got executed an agreement to sell and other documents and got transferred the land in question in favor of Lalita Devi and mutation was also got sanctioned in her favor. As per her knowledge, she had agreed to sell only part of her share in the land in question to the accused Lalita Devi. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. The case is based upon documentary evidence which is already in the possession of the investigating agency. She has even filed a



complaint against the accused Jagmohan and others. It is, therefore, argued that she deserves to be extended the benefit of pre-arrest bail.

4. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against the petitioner, she does not deserve to be extended benefit of anticipatory bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have sworn an affidavit before the revenue authorities declaring that she was the only legal heir of deceased Prabhu Dayal and on the basis of such declaration, the property left by her deceased brother Prabhu Dayal was initially transferred in her name. Thereafter, she is alleged to have executed an agreement to sell the same property in favour of co-accused Lalita Devi to cause wrongful loss to other legal heirs of the deceased Prabhu Dayal including the complainant. The case is based on documentary evidence. The same are in custody of the investigating agency. The petitioner is ready to join the investigation. It is a well-settled proposition of law that pretrial incarceration cannot be a replica of post-conviction sentences. Given the nature of the allegations, this court is of the considered opinion that no justification for custodial interrogation or pretrial incarceration of the petitioner is made out at this stage and a case is made out for grant of pre-arrest bail to the petitioner. In the peculiar facts and circumstances of the case, but without meaning to make any comment upon the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail, subject to her joining investigation, as and



when called by the investigating officer or any superior officer. She shall co-operate in the investigation at all further stages till conclusion of investigation proceedings. On account of her failure to do so, the prosecution will be at liberty to seek cancellation of bail. 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 482(2) of BNS join investigation. The petitioner shall also disclose her passport details, mobile number, Aadhaar card, permanent and present address.

7. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th August, 2025

Parveen Sharma

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