



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202 CRM-M-58539-2024
Date of decision: 18th January, 2025

Sarabjit Kaur @ Sarabjit Kaur
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naveen Bawa, Advocate for the petitioner.
Ms. Swati Batra, Deputy Advocate General, Punjab.
Mr. P.K.S. Phoolka, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed 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
253	05.10.2024	Sahnewal, District Ludhiana	406, 420 and 120-B of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of complaint lodged by the complainant-Harminder Singh, on the allegations that his real brother and he himself were co-owners of five acres of agricultural land situated in village Kanech, Tehsil and District Ludhiana.



His brother had died on 12.08.2022 and he being the only legal heir, had inherited the share of his brother. He alleged that the petitioner who is his paternal aunt (*bua*), by conniving with other persons got executed a sale deed of the share of his brother in favour of her daughter-in-law Sandeep Kaur, i.e. the co-accused in the above mentioned land on the basis of power of attorney alleged to have been executed in her favour by the deceased on 11.05.2023. The said sale deed was attested by her son and Munshi Singh Nambardar as witness. By alleging that the complainant had been cheated, action was prayed for. Inquiry was initially conducted and subsequently, FIR was registered. The petitioner was nominated as an accused. Apprehending her arrest, she moved an application for pre-arrest bail, which was dismissed by the learned Additional Sessions Judge, Ludhiana vide order dated 05.11.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case. No cheating or fraud had been committed by her. The deceased had executed a general power of attorney with regard to his share in the agricultural land in her favour on 6.06.2022 as infact, the said property had fallen to her share as per oral family settlement. He had died on 12.08.2022. she had validly executed a sale deed in favour of co-accused Sandeep Kaur on the basis of power of attorney executed in her favour. Infact, the complainant had no *locus standi* to lodge FIR against her since the deceased was married with one Laxmina and now in pursuance of a compromise arrived at between the widow of the deceased, namely Laxmina and herself, the above named property had been agreed to be transferred in the name of



latter(Laxmina). Even a petition for quashing of FIR on the basis of the said compromise has also been filed by the petitioner and is pending. The father of the deceased has sworn an affidavit in favour of the petitioner. The complainant infact wants to grab the land owned by her due to greed. Though during life time of Harjeet Singh, he was living separately. The dispute between the parties is of civil nature and civil litigation initiated by widow of the deceased is pending. The petitioner is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. Learned Deputy Advocate General, Punjab, assisted by learned counsel for the complainant has argued that by using the power of attorney executed by a dead person, the petitioner transferred the land owned by the former in favour of her daughter-in-law thereby causing wrongful loss to the actual legal heirs of the deceased for her wrongful gain. She is infact the beneficiary of the transaction. Her custodial interrogation is required for thorough investigation in the matter. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The petitioner in-connivance with the co-accused is alleged to have used a power of attorney executed by the deceased Harjeet Singh in her favour, after his death and is further alleged to have transferred the land owned by deceased in favour of her daughter-in-law with dishonest intention



to cause wrongful loss to the complainant who claims to be the only legal heir of the deceased. There is rival version of the petitioner that the victim was married with one Laxmina. A copy of plaint of a civil suit for declaration as filed by the said Laxmina against the petitioner and Sandeep Kaur has been placed on record as Annexure P-7, which shows that the above said Laxmina while claiming herself to be widow of deceased, has sought cancellation of sale deed executed by the present petitioner. Annexure P-6 is copy of a compromise shown to be executed by Laxmina in favour of the petitioner and her daughter-in-law. The question of validity of relationship between the above said Laxmina and the deceased is not required to be gone into at this stage. Neither the factum of any compromise having been arrived at between the petitioner and above said Laxmina can be considered to be relevant for the purpose of deciding this petition. However, at the same time, it is apparent that the case is based on documentary evidence and for that purpose, the custodial interrogation of the petitioner is not required. The subject offences for which she has been booked are triable by Magistrate. No recovery as such is to be effected from her. In such circumstances, in the considered opinion of this Court, no purpose would be served by detaining the petitioner in custody and she can be extended benefit of pre-arrest bail. Accordingly, the petition is allowed and during trial, the petitioner is ordered to be admitted on bail subject to her surrender before the learned trial Court within a period of ten days from the date of passing of this order and on her surrender within that period, she shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-



(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(ii) she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iii) will not leave the country.

(iv) she shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

18th January, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*