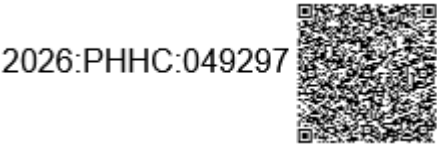


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-29024-2025 (O&M)

Sulakshna Girdhar Lalwani

... Petitioner

Vs.

State of Haryana

... Respondent

1.	The date when the judgment is reserved	25.03.2026
2.	The date when the judgment is pronounced	30.03.2026
3.	The date when the judgment is uploaded on the website	30.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Vishal Sharda, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Vinod Ghai, Senior Advocate with
Mr. Pratap Singh, Advocate and
Mr. Vijay Dahiya, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.80, dated 05.05.2025, registered under Sections 420, 467, 468, 471 and 511 IPC, at Police Station Sector-37, District Gurugram.

2. The aforementioned FIR was registered on the basis of a written complaint filed by complainant – Brij Lal Lalwani, alleging therein that he had purchased some land situated in village Mohammadpur Jharsa, Sector-36, Gurugram, Haryana vide a registered sale deed dated 17.08.1988. His son Girdhar Lalwani with an intent to grab the said property in connivance with the co-accused i.e. his son and wife i.e. the present petitioner prepared a forged and fabricated document purported to be a deed of gift of the aforementioned property by him in his favour, though, the complainant had never executed any gift deed in favour of his son. It was alleged that the said gift deed neither bore his signatures nor it was a registered document. He came to know about the existence of such gift deed when his son filed a civil suit bearing Civil Suit No.2839 of 2024. By alleging that previously, he had also filed a civil suit bearing No.4361 of 1998 against his son Girdhar Lalwani seeking injunction against them thereby restraining them from entering in his house or office as they had been harassing him and that he had been cheated and defrauded at the hands of his son, petitioner and co-accused, he prayed for taking action. On his complaint, the aforementioned FIR was registered. Apprehending her arrest, the petitioner moved an application for grant of pre-arrest bail, which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated

15.05.2025.

3. Vide order dated 23.05.2025 passed in this petition, the petitioner had been granted interim bail and had been directed to join investigation.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case only on account of her being wife of co-accused Girdhar Lalwani. She has no concern with the property in question as it belongs to HUF, of which her husband i.e. co-accused and the complainant are part of. Though not legally divorced, but she has been living separately from her husband over a period of more than 02 decades. She has no interest in the property in question but has been looking after the gaushala existing over the premises by way of charity. Since her husband could not manage gaushala property, he executed a trust deed with her son and herself for the purpose of proper management of the property in question qua which no title has been passed. She has no concern with the gift deed which is alleged to be forged and fabricated document got prepared by her husband. She is not beneficiary to the same since as per the allegations, this gift deed was executed in favour of her husband only. Moreso, even her husband has no ownership over the disputed property on the basis of said gift deed and as such, it cannot be stated that the said gift deed had been prepared with an intent to cheat the complainant or to cause any wrongful loss to him. There is inordinate delay in lodging of the FIR. The complainant himself had authorized her husband to take care of the property in question. It was he, who had contested the litigation on account of acquisition proceedings of the entire property in dispute in the past by the

State Government. The petitioner has been falsely implicated in this case only on account of internal feuds. Her custodial interrogation is not at all required. She has already joined investigation and is ready to join further investigation. No recovery is to be effected from her. It is, therefore, urged that she deserves to be extended the benefit of bail.

5. Per contra, learned State counsel has argued that there are serious and specific allegations against the petitioner and co-accused, who by hatching a conspiracy with each other, executed a trust deed for running a temple and gaushala existing over the disputed property thereby becoming beneficiaries of the entire property. For conducting thorough and proper investigation into the matter, custodial interrogation of the petitioner is must. Recovery of the amount of money which has been usurped by the petitioner and co-accused, being beneficiaries from the gaushala and temple, has also to be effected. She has not cooperated with investigation. It is, therefore, argued that she does not deserve to be extended the benefit of bail.

6. This Court has heard rival submissions made by learned counsel for the parties.

7. The petitioner in connivance with her husband is alleged to have forged and fabricated a gift deed purported to be issued in favour of her husband by the complainant. As per the allegations, the petitioner being one of the trustees of the temple and gaushala existing over the disputed land has also become beneficiary thereof in an illegal manner. The petitioner is seeking benefit of pre-arrest bail. Evidently, she is not beneficiary to the gift deed. So far as the allegation that a trust deed for looking after the gaushala and temple existing over the disputed property has been created in favour of

the petitioner and co-accused is concerned, the matter in this regard is based on documentary evidence, which is already in custody of the Investigating Agency and as such, custodial interrogation of the petitioner is not required for the purpose of recovery of such document.

8. Taking into consideration the above discussed facts as to the role which can be assumed to be played by the petitioner, the nature of subject offences and the circumstances peculiar to this case, this Court is of the considered opinion that pre-trial incarceration of the petitioner, who has already joined investigation, is not required. So far as non-recovery of money is concerned, there is no assertion with regard to the same. More so, mere non recovery cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '**Jagdish Thakkar vs. State of Delhi**', 1992 (3) CCR 2764' and in case titled as '**Pooran Singh vs. State of Delhi**', 2022(1) RCR (Criminal) 503. So far as the contention that the petitioner has not cooperated in the investigation is concerned, it may be stated that the behavior attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of pre-arrest bail since, an accused, while joining investigation, is not expected to make self-incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. The purpose of joining investigation is to make oneself available to the Investigating Agency and to respond to lawful queries and not to divulge self-incriminating information.

9. In view of the fact that the petitioner has already joined the investigation and given the nature of allegations, this Court is of the opinion that pre-trial incarceration of the petitioner is not required. As such, without

commenting on merits of case, this petition is allowed and the order dated 23.05.2025 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

10. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

30.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE