

**IN THE COURT OF SH. RAKESH GUPTA
ADDL. SESSIONS JUDGE : BATHINDA.**

CIS No.BA/1742/2021
CNR No.PBBT01-004844-2021
Decided on : 02.08.2021

Sandeep Kaur, aged about 40 years, wife of Surinder Singh son of Darshan Singh,
resident of H.No.MCB-Z7/10765, Street No.7, Lal Singh Basti, Bathinda.

.....Applicant/Petitioner.

Versus

State of Punjab.

.....Respondent.

FIR No.125 dated 16.06.2017
U/s 420,465,467,468,471,120-B IPC,
P.S. Civil Lines, Bathinda.

Bail Application under Section 438 Cr.P.C.

Present : Mr. Inderjeet Singh Mann, Advocate, counsel for the petitioner.
Mr. Amarjit Syal, Addl. PP for the State.

O R D E R :

1. This order of mine shall dispose off an application for anticipatory bail filed by petitioner Sandeep Kaur, in the above noted matter.
2. Notice of the same was given to respondent/State. Sh. Amarjeet Syal, Learned Addl. P.P. is present to represent the State. Record of trial court is also received.
3. It is averred in the application that the applicant-petitioner is innocent and she is not named in the FIR, but has been summoned as an additional accused by the court vide order dated 29.04.2019. She is a bonafide purchaser of the land from one Rajesh Kumar alias Rakesh Kumar for valuable consideration and since the purchase of the said property, she has been continuing in peaceful possession of the said property. She is ready to face the trial; the conclusion of which will take time. She has apprehension of arrest as she has been summoned in non-bailable offences and interalia prayed for grant of anticipatory bail.
4. Relying upon the above version, learned counsel for petitioner contends that she is not named in the FIR and is a bonafide purchaser of the said property who is ready to face the trial and abide by the terms and conditions of the bail, to be imposed by the court.
5. The above said contentions are objected to by the ld. Addl. PP for the State who submits that petitioner is a beneficiary who has been summoned to face trial and is not entitled for bail.

Rakesh Gupta
Addl.SJ Bathinda.

6. The court has considered the respective contentions, in the light of the record available with it. The summoned file shows that the FIR No.125 dated 16.06.2017 under Sections 420,465,467,468,471,120-B IPC was registered at P.S. Civil Lines, Bathinda on the statement of one Jagdish Kumar son of Raj Kumar. Initial inquiry into the said allegations revealed that accused Harbans Lal son of Ganga Ram got transferred 75 yards of land by showing him to be sole legal heir of his father Ganga Ram and thus, cheated the complainant Jagdish Kumar by transferring land of his father Raj Kumar in favour of his son Rajesh Kumar. The said Rajesh Kumar alias Rakesh Kumar further sold the land. Thus, FIR was lodged against Rajesh Kumar alias Rakesh Kumar and Harbans Lal under Sections 420,465,467,468,471,120-B of IPC.

7. The allegations against the applicant-petitioner Sandeep Kaur are that she had purchased land from said Rajesh Kumar alias Rakesh Kumar. It is her version that she had purchased the land vide sale deed dated 29.11.2016 for consideration and since then, has been continuing in possession of the same.

8. The trial court has summoned the applicant-petitioner to face the trial under Sections 420,465,467,468,471,120-B of IPC by solely relying upon the deposition of PW-1 Jagdish Kumar who has alleged that police has not taken action against the applicant-petitioner Sandeep Kaur and one Sonia.

9. Be so as it may be, the allegations against the applicant-petitioner that she hatched conspiracy with Rajesh Kumar or her version that she was a bonafide purchaser, are to be appreciated during course of Trial. The petitioner has been summoned by the court under Section 319 of Cr.P.C and her custodial interrogation, in such circumstances, is not required. She is ready to appear before the trial court and to face trial and also to abide by the terms and conditions of the bail.

10. In view of the above fact and circumstances and considering the nature of the allegations, the applicant-petitioner is directed to appear/surrender before the trial Court, without any delay, in case of her arrest by the said Court, she be released on bail on furnishing of personal bonds in sum of Rs.50,000/- with one surety in the like amount. Application stands allowed.

11. Copy of this order be placed on the summoned file, which be returned.

12. File of the bail application, complete in all respect, be consigned to the record room.

Pronounced : 02.08.2021

Jatinder Singh SG-II

(Rakesh Gupta),
Addl. Sessions Judge,
Bathinda. (UID No. PB-0124)

Rakesh Gupta
Addl.SJ Bathinda.