

**IN THE COURT OF MRS.PREETI SAHNI,
SESSIONS JUDGE, MANSA
(UID NO.PB0078)**

Bail application No.493

Date of institution: 23.11.2023

CIS No.BA/1926/2023

CNR No.PBMN010051332023

Date of decision: 21.12.2023

Gurmit Kaur, aged about 62 years, wife of Rajinder Singh, resident of village Raipur, Tehsil Sardulgarh, District Mansa, now confined in District Jail, Mansa.

--- Applicant-accused

Versus

State of Punjab.

--Respondent.

Bail application under Section 439 of the Cr.P.C.

FIR No.175 dated 19.10.2023

under Sections 420, 120-B of IPC,

Police Station, Jhunir, District Mansa.

Present: Shri Harpreet Singh, Advocate, Counsel for applicant-accused.

Shri Harvinder Singh, Public Prosecutor for the State, assisted by Ms.Rajinder Paul Kaur Dhillon and Ms.Devinder Kaur Chahal, Advocates, counsel for the complainant.

ORDER

Accused-applicant has moved the bail application under Section 438 Cr.P.C. seeking grant of regular bail.

2. Heard. Record perused, which reveals that complainant Gurwinder Singh son of Sukhmander Singh, resident of village Mehna, Tehsil Malour, District Shri Muktsar Sahib moved an application dated 19.08.2023 to S.S.P., Mansa against Jaspal Singh, Tarsem Singh sons of Rajinder Singh, Gurmeet Kaur (applicant-accused) widow of Rajinder Singh and others for committing forgery, with the allegations that his mother Sukhpal Kaur alias Baljinder Kaur widow of Sukhmander Singh is having 30 Kanals 9 Marlas of land at village Raipur, Tehsil Sardulgarh, District Mansa. His mother by birth is 100% deaf and dumb. His brother Lakhwinder Singh is also 100% deaf and dumb. His mother as well as his brother Lakhwinder Singh used to convey the things by making gestures. They both are having 100% disability certificates.

3. He further stated that accused Jaspal Singh and Tarsem Singh are nephews of his mother; whereas accused Gurmeet Kaur (applicant) is his sister-in-law (Bharjai). About 15-20 days ago, they all came to their village Mehna and took his mother and brother Lakhwinder Singh with them by saying that they were to be taken to Hazur Sahib to pay obeisance. Earlier also, they used to take with them his mother and brother. So, believing them, the complainant allowed his mother and brother to go with them.

4. He further stated that as per plan chalked out by accused, they left his brother Lakhwinder Singh with other family members and took his mother with them at somewhere. After returning, his mother conveyed through gestures to his brother Lakhwinder Singh that accused had got executed some documents of the land from her. Then his brother Lakhwinder Singh asked from accused, why they had got executed the documents of land from their mother in a clandestine manner. At this, he was given beatings by the accused and was turned out. On 18.08.2023 his brother Lakhwinder Singh returned to village Mehna and when the complainant asked his brother why he was weeping and also asked him about the well being of his mother, then by gestures his brother Lakhwinder Singh informed him that accused in criminal conspiracy with each other got executed some documents of land from their mother. He further stated that his brother Lakhwinder Singh is 10th pass, which he has done from Blind School, Shri Ganganagar and he is able to convey the things .

5. On becoming aware of this, he went to village of the accused to take back his mother, but he was not allowed to meet his mother. Thereafter, he went to Patwari of village Raipur and made inquiry about the documents of landed property of his mother and then he came to know that accused in an illegal and fraudulent manner had got prepared a power of attorney from his mother and on the basis of the same, they got executed a sale deed No.2023-23/66/1/950 dated 14.08.2023 and another sale deed No.2023-23/66/1/949 dated 14.08.2023. It is alleged that

accused were well aware that his mother is 100% disabled being deaf and dumb, but in spite of that, they got executed power of attorney from her and on the basis of the same, they got executed the sale deeds in their favour.

6. During course of arguments, learned counsel for the applicant-accused raised point that applicant-accused is falsely implicated in this case. No offence is made out against the applicant-accused. It is also argued that the complainant used to maltreat his mother and she was living with her brothers and she has executed the power of attorney out of her free will. There is no question of fraud as is argued by the prosecution. He further argued that applicant-accused was arrested on 31.10.2023 and since then she is in custody. Presentation of challan and conclusion of trial will take a considerable time. No useful purpose would be served by keeping the applicant-accused behind the bar for an indefinite period. So, she be released on bail.

7. On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant raised point that applicant-accused is sister-in-law of Sukhpal Kaur alias Baljinder Kaur, mother of the complainant and she had got executed power of attorney from Sukhpal Kaur alias Baljinder Kaur in her favour and then on its basis, she executed the sale deed in favour of her son. She was well aware of this fact that Sukhpal Kaur alias Baljinder Kaur, mother of the complainant is 100% disabled being deaf and dumb and was not competent to execute the

document, but despite becoming aware of this fact, she got executed the power of attorney in her favour.

8. So, considering the overall facts and circumstances of the case and the fact that applicant-accused is in custody since 31.10.2023, presentation of challan and conclusion of trial of the case is likely to take sufficient time. It is matter of evidence whether the allegations of fraud would be established against the applicant-accused. At this stage, she is not required for recovery or investigation purpose. No useful purpose will be served by detaining the applicant-accused in jail for an indefinite period, so this bail application stands allowed and the applicant-accused is ordered to be released on bail on furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Illaqa/Duty Magistrate and also subject to the conditions that the applicant-accused will regularly appear in Court on each and every date of hearing and will not commit similar offence in future and will not leave the country without prior permission of the court. It is further made clear that if at any stage the applicant-accused jump bail in that case this order shall be deemed to have been cancelled.

9. Bail application stands disposed of accordingly. Police record be returned. A copy of this order be sent to the Illaqa/Duty Magistrate for compliance. File be consigned to the record room.

Announced:
21.12.2023

(Preeti Sahni)
Sessions Judge, Mansa
(UID No.PB0078)

CNR No.PBMN010050682023

BA/1926/2023

Gurmit Kaur Vs. State

Present: Shri Harpreet Singh, Advocate, Counsel for applicant-accused.
Shri Harvinder Singh, Public Prosecutor for the State, assisted by Ms.Rajinder Paul Kaur Dhillon and Ms.Devinder Kaur Chahal, Advocates, counsel for the complainant.

Arguments heard. Vide separate detailed order of today, this bail application has been allowed. Police record be returned. Copy of this order be sent to the Illaqa/Duty Magistrate for compliance. Bail application file be consigned to the record room.

Announced:
21.12.2023

(Preeti Sahni)
Sessions Judge, Mansa
(UID No.PB0078)

Sukhwinder Singh Stenographer G-II