

CRM-M-33852-2024 (O&M) & ANR. -1-

101 + 213 – 2 cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:- 10.03.2025

(1) CRM-M-33852-2024 (O&M)

HARDEV SINGH SANDHUPetitioner
Vs.
STATE OF PUNJAB & ANR. ...Respondents

(2) CRM-M-34374-2024 (O&M)

KAWALJIT KAUR VIRKPetitioner
Vs.
STATE OF PUNJAB & ANR. ...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.P.S. Sidhu, Advocate with Mr. Rajat Dogra, Advocate
for petitioner in both cases.

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. S.S. Sidhu, Advocate for respondent No.2 in both cases.

AMARJOT BHATTI, J. (Oral)

CRM-6804-2025 in CRM-M-33852-2024
CRM-6807-2025 in CRM-M-34374-2024

Learned counsel for applicants/petitioners have filed aforesaid
applications for placing on record order dated 29.01.2025 Annexure A-1.

Learned counsel for the State submits that he has no objection
to the applications being allowed.

For the reasons mentioned in the applications and no objection

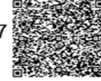


suffered by State counsel, applications are allowed and accompanied documents i.e. orders dated 29.01.2025, in both cases, are taken on record, subject to just exceptions.

CRM-M-33852-2024 & CRM-M-34374-2024

1. Petitioner – Hardev Singh [in CRM-M-33852-2024] and petitioner Kawaljit Kaur Virk [in CRM-M-34374-2024] have filed instant petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.55 dated 01.05.2024 under Sections 406, 420, 465, 467, 468, 471, 498-A, 506 and 120-B of IPC registered at Police Station Women Cell, District SAS Nagar, Mohali (Annexure P-1). These petitions are taken up together for hearing and decision being arisen out of the same FIR.

2. Facts of the case are, complainant Harkirat Kaur filed written complaint against Hardev Singh Sandhu – father-in-law, Balbir Kaur – mother-in-law, Kawaljit Kaur – sister in law, Harijap Singh and Shahbaz Singh alleging that her marriage was performed with Jatinder Singh Sandhu on 29.05.2004. Out of this wedlock, she gave birth to a son Vijay Karan Singh. After marriage, all her jewellery was retained by her mother-in-law and sister-in-law with the assurance that they will give the same as per her requirement. Her father-in-law Hardev Singh was having ancestral land about 6 acres and a house in village Shahpur Ghataur, Tehsil Kharar and about 14 to 15 acres of ancestral land in village Mooju Khera, Tehsil and District Sirsa. Complainant alleged maltreatment in the matrimonial home for bringing less dowry. In the year 2009, 6 acres of land in village Shahpur Ghataur was sold along with ancestral house for a sum of Rs.4 crores where Rayat Bahara University is situated. With the said sale consideration, house



No.107, Sector-11, Kharar, District SAS Nagar, Mohali was purchased by her husband and the sale deed was registered in the name of Balbir Kaur mother-in-law out of love and affection as well as with the view to pay less stamp duty applicable in case of female. Said Balbir Kaur and Hardev Singh assured to transfer the said house in the name of their grandson Vijay Karan Singh. Since then they are residing in the same house along with her in-laws. Complainant alleged that documents regarding fixed deposits in various banks are also in possession of accused persons. Her husband was doing the business of finance. At the age of 54 years, he expired on 06.06.2023 (in petition and reply date of death is mentioned as 03.06.2023) leaving behind the complainant and her minor son. After 2-3 months from the death of her husband, accused persons started maltreating her. She was told to get her share in the property from her parents otherwise she will be turned out of the matrimonial home. She expressed her inability to fulfil their demand. She asked accused persons that aforesaid house may be transferred in the name of her son as per their assurance and her entire istridhan be also returned to her. She also requested that agricultural land situated in District Sirsa be also mutated in favour of her son. Accused persons allured the complainant that they will do the needful after sometime. On 20.03.2023 Shahbaz Singh and all other family members except accused No.4 who had left for Canada were planning something and they abused her minor son. Complainant came to know that the accused persons fraudulently by forging documents have sold the ancestral property of her husband at Mooju Khera and they were also planning to sell the house. They were planning to turn out the complainant and her son out of the house. On enquiry from concerned Patwari of village



Mooju Khera, she came to know that the said property was sold about 2 months ago by accused Nos.1 to 5 by misleading the authorities and by committing forgery. In October, 2023 she procured jamabandi which stood in the name of her husband Jitender Singh Sandhu regarding 40 kanal of land. Her husband expired in June, 2023 and the accused persons managed to sell the entire property and misappropriated the entire amount including her istridhan and the FDRs. They were further planning to sell the house where she was residing along with her son. With these allegations, present FIR has been registered.

3. Learned counsel representing petitioner – Hardev Singh in CRM-M-33852-2024 argued that petitioner is father-in-law of complainant Harkirat Kaur who is more than 86 years of age. Allegations levelled in the FIR regarding maltreatment on account of demand of dowry or misappropriation of dowry articles are without any basis, since marriage had taken place long time ago on 29.05.2004. Property situated in village Shahpur Ghataur, Tehsil Kharar was in the name of Smt. Balbir Kaur which was sold vide sale deed dated 19.08.2008 (Annexure P-2). Later property was purchased by Balbir Kaur. Copy of sale deed dated 22.01.2009 is Annexure P-2. FDRs standing in the name of Hardev Singh and Balbir Kaur also produced as Annexure P-3. He has also annexed copy of transfer deed dated 11.05.2022 vide which present petitioner Hardev Singh had transferred 79 kanal -13 marla along with all rights in favour of his son Jitender Singh and daughter Kawaljit Kaur Virk. Learned counsel representing petitioner argued that thereafter Hardev Singh Sandhu petitioner and his wife Balbir Kaur who has now expired had filed petition under Section 23 of



Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against Harkirat Kaur and Vijay Karan Singh which was allowed and the sale deed dated 11.05.2022 and the mutation sanctioned on that basis was cancelled vide order dated 11.12.2023 (Annexure P-5). Complaint filed by Hardev Singh Sandu is Annexure P-6 and record regarding his medical condition of Fortis Hospital is Annexure P-7. It is argued that allegations levelled by complainant against Hardev Singh Sandhu are without any basis. He was granted interim bail vide order dated 17.07.2024 and in pursuance of the same he has already joined investigation. He is still ready to abide by the terms of bail order. Therefore, his anticipatory bail application may be allowed.

4. Learned counsel representing Kawaljit Kaur in CRM-M-34374-2024 argued that Kawaljit Kaur is permanent resident of Canada. She is falsely involved in this case. Apart from the arguments advanced in the aforesaid bail application, it is pointed out that she has come to India in support of her father, who is in his old age. Present petitioner was already granted interim bail vide order dated 19.07.2024 and she has already joined the investigation and has also given specimen of her handwriting. She is ready to abide by the terms of bail order.

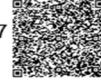
5. Learned State counsel filed status report. It is pointed out that investigation is going on. During the course of investigation, bank accounts have been frozen. Petitioners did join the investigation but did not cooperate with the investigation to facilitate the recovery nor disclosed anything about the preparation of false and forged documents. Record is being collected from the office of Deputy Commissioner, Sirsa but till date no record has



been provided. For complete investigation of the case, custodial interrogation of both accused is required to find out the preparation of false/forged documents. Therefore, anticipatory bail applications filed by both petitioners is opposed.

6. Learned counsel representing complainant also filed reply to oppose the anticipatory bail applications filed by both the petitioners. It is pointed out that petitioners have not given any explanation with regard to the forged report and signatures upon the summons issued to the complainant party by learned Tribunal. On the basis of false report upon the summons, petitioners have been able to get favourable order. They have managed to sell ancestral property which stood in the name of husband of complainant and misappropriated crores of rupees. There are serious allegations of cheating coupled with forgery. Present petitioners have managed to dispose of the entire property in order to cause huge loss to the complainant as well as her minor son. Learned counsel for the complainant pointed out that there is every possibility that petitioners may leave the country. They are required to join the investigation. Therefore, their anticipatory bail applications are opposed.

7. I have considered the arguments and have gone through the record carefully. Complainant got married with Jatinder Singh Sandhu on 29.05.2004. Out of this wedlock, they have a son Vijay Karan Singh. Present FIR has been registered after unfortunate death of Jatinder Singh, husband of complainant on 03.06.2023. Admittedly, complainant along with her son is residing in house No.170, Sector-11, Kharar. During this period, Balbir Kaur mother-in-law of the complainant has also expired. As per the record



produced with the bail application, said house stood in the name of Balbir Kaur. Copy of sale deed dated 22.01.2009 is Annexure P-2. There is a transfer deed dated 11.05.2022 (Annexure P-4) vide which father transferred 79K-13M land in favour of his son Jatinder Singh Sandhu and daughter Kawaljit Kaur Virk i.e. present petitioner. After the death of Jatinder Singh Sandhu on 03.06.2023, petitioner Hardev Singh Sandhu and his wife Balbir Kaur (now deceased) filed petition under Section 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on 10.10.2023 which was decided in favour of Hardev Singh Sandhu and his wife vide order dated 11.12.2023 (Annexure P-5). Complainant alleged that she along with her son were never served in the litigation and some fake reports on the summons were procured to get the aforesaid favourable order. During the course of investigation, accounts belonging to the petitioner Hardev Singh Sandhu and his deceased wife were frozen. Investigating Agency is yet to collect the record i.e. summons and disputed report on the basis of which order dated 11.12.2023 (Annexure P-5) was passed. It is further not disputed that after procuring the aforesaid order, petitioner Hardev Singh Sandhu has managed to sell the entire property. Interest of Harkirat Kaur – widow of Jitender Singh Sandhu as well as her minor son is involved. Learned counsel representing State pointed out that both petitioners did join the investigation but did not cooperate to disclose about the manner in which they managed to procure report on the summons which ultimately led to a decision in favour of Hardev Singh Sandhu and his wife and hurriedly sold the entire property. Petitioners being father and daughter are the beneficiaries in said transaction. Matter in controversy is serious in nature. Thorough



investigation is required.

8. Petitioners were granted interim relief but they did not cooperate. In the light of aforesaid factual position, I do not find a fit case for grant of anticipatory bail. Therefore, both the bail applications are accordingly, declined.

Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

Photocopy of the order be placed on the file of above-mentioned connected case.

10.03.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No