

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No.M-14193 of 2015 (O&M)

Date of decision:21.07.2015

Surjit Kaur & another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Bhinder, Advocate for the petitioners.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. G.S. Chahal, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking the benefit of pre-arrest bail to the petitioners in case FIR No.40, dated 03.04.2015, under Sections 420/465/467/468/471/120-B IPC, registered at Police Station Dirba, District Sangrur.

While issuing notice of motion, the following order was passed by this court on 06.05.2015:

“This is a petition under section 438 Cr.P.C seeking the benefit of pre-arrest bail to the petitioners in case FIR No.40 dated 3.4.2015 under Sections 420, 465, 467, 468, 471, 120-B I.P.C registered at Police Station, Dirba, District Sangrur.

Counsel would submit that the allegations against the present petitioners are with regard to having acted in connivance with each other to get a sale deed executed in their favour by preparing false and fabricated documents to usurp the property of deceased Sher Singh.

It is inter alia contended that Sher Singh deceased was

the son of petitioner no.1 and in the capacity of surviving legal heir such property was to devolve upon petitioner no.1. That apart, counsel contends that the complainant namely Sant Kaur has already instituted a suit for declaration with respect to the same very property and as such, civil proceedings in the matter are already pending.

Notice of motion, returnable for 21.7.2015.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Satnam Singh has apprised the Court that the petitioners have since joined investigation.

That apart, counsel appearing for the complainant/Sant Kaur has not been able to rebut the observations contained in the notice of motion order.

Accordingly, the present petition is allowed. Order dated 06.05.2015 passed by this Court while issuing notice of motion is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
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