

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31699 of 2015 (O&M)

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Date of decision:5.10.2015

Gurminder Kaur

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mrs. Jatinder Jit Kaur, Advocate for the petitioner.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Saurav Bajaj, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.109 dated 2.9.2015 (Annexure-P.1) registered for the offences under Sections 420 and 120-B IPC at Police Station Division No.4, Jalandhar.

Notice of motion has been issued in this case.

Mr. B.S. Bhullar, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Saurav Bajaj, learned Advocate appeared for the complainant and contested this petition.

I have heard learned counsel for the parties and have gone through the record.

A perusal of the FIR shows that the dispute between the parties is mainly regarding civil nature i.e. breach of the agreement to sell dated

5.9.2014 and the civil suit is already pending as stated in the FIR. A perusal of the record further shows that the case is based on documentary evidence.

Learned counsel for the complainant argued that the possession has not been delivered to him and the present petitioner has committed such type of offences in other similar cases of cheating with other persons also.

As regards the possession, as per the FIR, it is agreed between the parties to deliver the possession when the sale deed of other half portion is to be executed.

As regards the other cases, that cannot be a ground for rejecting an anticipatory bail petition, especially, when this case is of civil nature and civil proceedings have already been filed by the complainant in the Court.

The petitioner has already joined the investigation. She is not required for custodial interrogation. Nothing is to be recovered from her. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 17.9.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

October 5, 2015.

(Inderjit Singh)
Judge

hsp