

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.14299 of 2016
Date of Decision : 23.07.2016**

Gurmeet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. G.S.Kaura, Advocate
for the petitioner.

Mr. K.S.Pannu, DAG, Punjab.

Mr. Manoj Kumar, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.0096 dated 31.03.2016 registered under Sections 420/467/468/471/120-B IPC at Police Station City Khanna, District Ludhiana.

On 28.04.2016 the following order was passed:-

“Petitioner apprehends arrest in a case registered at the instance of her cousin Harbans Singh alleging that in his absence, the petitioner tried to sell his property by virtue of an agreement of sale which had been fabricated by her.

Counsel for the petitioner contends that on the basis of an agreement of sale executed by the complainant in favour of the petitioner, she had filed a suit for specific performance which has been decreed in favour of the petitioner and that she has got the property transferred in her name on the basis of said agreement of sale and Court decree. It appears that ex parte decree obtained by the petitioner has been sought to be set aside by the complainant as a defendant.

As the subject matter of the civil suit and the allegations in the FIR co-incide, let notice be issued to the Advocate General, Punjab, for 18.7.2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on or before 7.5.2016. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.”

Learned counsel for the complainant and learned Deputy Advocate General, on instructions from ASI Vijay Kumar state that the signatures of the complainant were shown to be false.

Learned counsel for the petitioner, however, argues that in this case the matter will be decided by the Civil Court where the application for setting aside ex-parte decree is still pending (Annexure P-4).

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 28.04.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

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Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

23.07.2016
pooja sharma-I

(AJAY TEWARI)
JUDGE