

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-15671 of 2015 (O&M)

Date of Decision: 28.01.2016

Jasvir Kaur

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. P.S. Hundal, Sr. Advocate with
Mr. Dinesh Trehan, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

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

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.49/2015 dated 17.4.2015 under sections 420, 120-B I.P.C, registered at Police Station, Fatehgarh Sahib, District Fatehgarh Sahib.

On 14.5.2015, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks pre-arrest bail in FIR No.49 dated 17.04.2015 under Sections 420, 120-B IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

Learned Senior Counsel for the petitioner refers to the order dated 04.12.2012 passed by this Court at Annexure P-2, to contend, inter alia, that the amount was deposited in the bank by way of fixed deposit to the tune of Rs.20,73,72,000/-. A copy of FDR is Annexure P-3. He further submits that the amount of Rs.2,46,27,230/- was a different amount than the abovesaid amount of FDR. While giving the breakup of this amount, learned Senior Counsel for the petitioner submits that an amount of Rs.One crore and 20 lacs

CRM No. M-15671 of 2015 (O&M) -2-

has been kept in the bank by way of two fixed deposits of Rs.60 lacs each. Copies of FDRs are Annexures P-7 & P-8. Another amount of Rs.82 lacs is lying deposited in the bank account of Village Panchayat.

The amount of Rs.25 lacs was paid to the Block Samiti, Bassi Pathana as share of the Department, as per rules, on the asking of the Block Development and Panchayat officer vide memo No.2383 dated 18.11.2013, Annexure P-9 & P-10. The balance amount of Rs.26 lacs has been spent by the petitioner on different development works in the village, including construction of shed in the cremation ground, construction of boundary wall, construction of pucca roads around the village, construction of water drains and construction of dam of the village pond etc. Learned Senior Counsel for the petitioner also submits that the present FIR is the result of party faction in the village and the petitioner is being made the victim thereof.

Notice to Advocate General, Punjab.

At this stage, Mr. A.S. Khosa, Advocate appears on behalf of the complainant.

Mr. K.D. Sachdeva, Addl. AG, Punjab accepts notice on behalf of the State and seeks time to get instructions.

On his request, adjourned to 23.07.2015.

In the meantime, in the event of arrest, petitioner shall be released on interim anticipatory bail to the satisfaction of Arresting/Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C. Petitioner is also directed to join the investigation and coordinate with the investigating agency as and when required.”

Learned State counsel upon instructions from ASI Mandeep Singh would apprise the Court that the petitioner has since joined investigation.

Learned senior counsel appearing for the petitioner has

impressed upon the Court that in pursuance to the interim order passed by

this Court dated 4.12.2012 in CWP No.11900 of 2012 an amount of Rs.20,73,72,237/- were duly deposited and are lying under Fixed Deposit. Such amount is stated to have not been touched at all.

It has further been submitted that the affidavit dated 7.10.2013 furnished by the petitioner and which forms the genesis of the allegations against the petitioner is in relation to land which was not recorded as *Maqbuja Malkan* and as such, was not a subject matter of the writ petition and the prayers raised therein i.e. CWP No.11900 of 2012. Court has also been apprised that the affidavit furnished by the petitioner dated 7.10.2013 was in terms of the report of the Illaqa Patwari dated 3.10.2013 in response to a query raised by the B.D.P.O, Bassi Pathana at Annexure P-4 as also letter dated 20.9.2013 issued by the B.D.P.O to the D.R.O., Fatehgarh Sahib at Annexure P-5.

In view of the above and coupled with the fact that the petitioner has already joined investigation, this Court is of the considered view that custodial interrogation of the petitioner would not be warranted.

Accordingly, without commenting on the merits of the present petition, same is allowed. The order dated 14.5.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.01.2016
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