

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

CRM-M -18897 of 2016 (O&M)

Date of decision: 29.07.2016

Sujata Gupta @ Sukhmeet Kaur @ Toni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Gurcharan Singh.

Mr. Sarbjit Singh, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.131, dated 17.04.2016, registered under Sections 420, 467, 468, 471 and 120-B IPC, at Police Station A-Division, Amritsar.

On 27.05.2016, this Court has passed the following order:-

“Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Sujata Gupta, in case FIR No.131 dated 17.04.2016 for offences punishable under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code registered with Police Station A Division, District Amritsar.

Complainant Pritpal Kaur is the Bhabi of the petitioner-accused who was married to Ajit Singh son of Bhagwan Singh. Ajit Singh died on 29.12.1989 and the father Bhagwan Singh on 24.10.1991. Complainant Pritpal Kaur and her two children Karamdeep Singh and Jasmeet Kaur are the Lrs of Ajit Singh who along with Piar Kaur are the two children of Bhagwan Singh from his first wife. From the second wife Kartar Kaur three daughters were born namely Jaswant Kaur, Chanchal Kaur and petitioner-accused Sujata Kaur. All the three sisters i.e. Piar Kaur, Jaswant Kaur and Chanchal Kaur remained unmarried and have died. The dispute is regarding the house measuring 77 square yards left behind by Bhagwan Singh and allegedly being occupied by the petitioner-accused along with her husband and family since last two decades.

The allegations of the complainant are that the petitioner-accused in connivance with her co-accused husband Prem Gupta tried to usurp her share by submitting a false affidavit dated 17.08.2015 before the revenue officials stating that Sujata Gupta is the only legal heir of Bhagwan Singh.

It is contended that the affidavit tendered with bonafide intentions since the complainant along with her children had severed her ties with the family since long time. Secondly no prejudice till now has been caused to the complainant as even the mutation has not been entered. It is finally contended that evidence is documentary as such custodial interrogation is not required.

Notice of motion for 29.07.2016.

In the event of arrest, petitioner shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, she shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438(2) Cr.PC.”

It is contended that in pursuance of the order dated 27.05.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions, submits that the petitioner has joined the investigation and she is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 27.05.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

29.07.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No