

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

CRM-M No.30078 of 2016.

Decided on:-16.11.2016.

Rani Devi.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Vikas Mehsempuri, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0115 dated 03.07.2016 under Section 420 IPC registered at Police Station Division 5, Ludhiana, District Ludhiana.

Learned counsel for the petitioner states that pursuant to order dated 29.08.2016 passed by this Court, the petitioner has joined the investigation.

On the other hand, learned State counsel, on instructions from HC Harjinder Pal, submits that though the petitioner has joined the investigation, but recovery is yet to be effected from her.

I have heard learned counsel for the parties.

On August 29, 2016, while issuing notice of motion, this Court

had granted interim bail to the petitioner. The relevant part of the said order reads as under:

“Learned counsel for the petitioner contends that agreement dated 12.1.2015 (Annexure P-2) was executed between the petitioner-accused and the complainant-Rita Tiwari, as per the jamabandi for the year 1999-2000. He states that the same entry continued till date and the land in question is a shamlat patti and the petitioner is the owner of the land, being the proprietor.

Notice of motion for 16.11.2016.

Counsel for the petitioner is directed to place on record the copy of jambandi for the year 1999-2000, as referred in the agreement, on the next date of hearing.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) CrPC.”

As per the copy of Jamabandi for the year 1999-2000, village Lohara, Hadbast No.260, Tehsil and District Ludhiana (Annexure P-4), the land has been shown as 'Shamlat Patti'. It is pleaded case of the petitioner that the land is not 'Shamlat Deh' and it being a 'Shamlat Patti' is owned by the proprietors. Therefore, the fact as to whether the land is 'Shamlat Patti' or 'Shamlat Deh' is yet to be established during the trial. The petitioner has also joined the investigation and conclusion of trial is likely to take sufficient long time.

In view of the above, the present petition is allowed and the interim bail granted to the petitioner order dated 29.08.2016 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

November 16, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No