

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

CRM-M -7844 of 2016 (O&M)

Date of decision: 07.09.2016

Manjit Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Sanjay Gupta, Advocate
for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Harpal Singh.

Mr. HPS Sandhu, Advocate for
Mr. G.S. Sandhu, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.01, dated 01.01.2016, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC, at Police Station City, NRI Hoshiarpur.

On 03.03.2016, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.1 dated 01.01.2016, under

Sections 420/465/467/468/471/120-B IPC, registered at Police Station NRI, District Hoshiarpur.

FIR was registered on the complaint of Jaswant Singh. Allegations against the present petitioners are of having prepared a forged and fabricated Will and on the basis thereof having got land of brother of the complainant i.e. Bikram Singh mutated in their names.

Counsel would submit that the present FIR is nothing but an abuse of process of law. In support of such contention, it is submitted that civil litigation pertaining to the same very parcel of land already stood initiated. One civil suit for permanent injunction is stated to have been filed by Inderjit Singh (petitioner No.2) on 18.05.2015 and a suit for declaration against the alleged forged and fabricated Will is stated to have been executed on 09.07.2015 by the complainant and in which petitioner No.2 is stated to have been arrayed as party defendant. It is argued that when civil litigation pertaining to the same very piece of land is already pending, there would be no occasion for custodial interrogation of the present petitioners.

Notice of motion, returnable for 26.05.2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

It is contended that in pursuance of the order dated

03.03.2016, the petitioners have joined the investigation.

The learned State counsel, on instructions submits that the petitioners have joined the investigation and they are 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 03.03.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

07.09.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
-----------------------------	-----	----

Whether Reportable:	Yes	No
---------------------	-----	----