

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

**CRM-M-25161-2017  
Date of decision :10.08.2017**

Baljit Kaur and others

..... Petitioners

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR.JUSTICE H.S. MADAAN**

\*\*\*

Present : Mr. Saurabh Kaushik, Advocate  
for the petitioners.

Mr. K.S. Aulakh, DAG, Punjab.

\*\*\*

**H.S. MADAAN, J. (Oral)**

This application for grant of pre-arrest bail has been filed by the petitioners-Baljit Kaur, Karnail Singh, Baljit Singh and Ajaib Namberdar all of them being accused in FIR No.145 dated 20.12.2016 under Section 420 registered with Police Station Kotwali Nabha, District Patiala.

Mr. K.S. Lakhanpal, Advocate puts in appearance on behalf of the complainant by filing power of attorney, which is taken on record.

Briefly stated facts of the case as per version of the prosecution are that Karnail Singh son of Sunder Singh has transferred property standing

in his name in favour of his son Baljit Singh and daughter Baljit Kaur getting prepared a wrong pedigree table not showing LR's of deceased Satgur Singh a pre-deceased son of Karnail Singh thereby cheated the LR's of Satgur Singh. Learned counsel for the petitioners submits that in the revenue record, Karnail Singh is reflected as be an absolute owner of the property regarding which civil litigation is pending between the parties.

It is submitted by learned counsel for the petitioners that the complainant has initiated a civil litigation against her in-laws which is pending and she has got a stay order in her favour restraining Karnail Singh and beneficiaries under the transfer deeds from alienating the property further and that the rights of the parties shall be adjudicated in the civil litigation.

Learned counsel for the complainant has submitted that though the complainant has initiated the civil litigation and has got an injunction order in her favour but then the petitioners be not granted pre-arrest bail keeping in view the factum that they had tried to deprive the LR's of Satgur Singh a pre-deceased son of Karnail Singh and brother of Baljit Kaur and Baljit Singh from getting their share in the property.

Learned State counsel states that as informed by ASI Gurcharan Singh, Police Station Kotwali Nabha, District Patiala petitioners have since joined investigation and their custodial interrogation is not required.

After hearing those contentions of learned counsel for the parties, I am of the view that the petitioners deserve to be granted concession of pre-arrest bail since their rights qua the property shall be determined in the civil litigation and the complainant is adequately

protected in view of the injunction order passed in her favour. Therefore, petition is allowed and interim bail granted to the petitioners vide order dated 17.07.2017 is made absolute subject to fulfilment of conditions as envisaged under Section 438(2) Cr.P.C..

**10.08.2017**  
*Gaurav Sorot*

**( H.S. MADAAN )**  
**JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**