

**Sr. No.201
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-4518 of 2016 (O&M)

Date of Decision: 20.02.2018

Jasbir Kaur

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. A.S.Syan, Advocate,
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

Mr. Navjot Singh, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.407 dated 31.12.2015, under Section 420 IPC, registered at Police Station Tripuri Town, Patiala, District Patiala.

Counsel for the parties have been heard.

FIR has been registered on the statement of Mukhtiar Singh on the allegations that an agreement to sell dated 06.09.2013 had been allegedly entered into between the complainant and co-accused Inderjit Singh.

Further allegations were that the complainant had an account in the HDFC Bank in which Inderjit Singh was serving and an amount of Rs. 20 lacs had been withdrawn fraudulently and on account of which FIR No. 135 dated 08.08.2013, under Sections 406, 420, 120-B IPC had been registered at Police Station Fatehgarh

Sahib.

Prosecution version is that it was towards compromising the matter that the agreement dated 06.09.2013 had been entered into between the complainant and co-accused Inderjit Singh and in which Rs.20 lacs fraudulently withdrawn from account of the complainant in HDFC Bank was to be adjusted in sale consideration. Precise allegation raised by complainant is that the contractual obligations arising out of agreement to sell dated 06.09.2013 have not been fulfilled and rather with an intent to cheat, the land in question has been transferred vide Vasika No.12097 dated 05.03.2014 in the name of the present petitioner who happens to be the mother of main accused Inderjit Singh.

During the course of arguments, it has gone uncontroverted that the parcel of land which is a subject matter of the alleged agreement to sell dated 06.09.2013 was under the sole ownership of co-accused Inderjit Singh. Furthermore complainant has already availed of his civil remedy inasmuch as a suit for specific performance as regards agreement to sell dated 06.09.2013 has been instituted and the same is pending before the competent Court.

State counsel upon instructions from ASI Harmeeek Singh apprises the Court that the present petitioner has already joined investigation.

Even main accused Inderjit Singh i.e. son of the petitioner was arrested and has been granted benefit of bail.

State counsel further submits that investigation in the

case is complete and even challan has been presented.

In the light of discussion hereinabove, this Court is of the considered view that custodial interrogation of the petitioner would not be warranted.

Petition is allowed.

Order dated 08.02.2016 passed by this Court is made absolute.

Disposed of.

20.02.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No