

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

**CRM-M-21095-2019
Date of decision: 27.05.2019**

Satya Devi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.110 dated 13.04.2019 registered under Sections 420, 467, 468, 471 at Police Station Division No.5, Ludhiana.

The operative part of the order dated 09.05.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner has submitted that the petitioner is a lady having 03 minor children and she was married to one Harmesh Lal (though contested by the complainant in the FIR). It is further submitted that the said Harmesh Lal died on 16.06.2001 and thereafter, the petitioner filed an application with the Transport Department for seeking the pensionary benefits. The Transport Department, after obtaining a legal heir certificate from the Tehsildar released the pensionary benefits in favour of the petitioners. It is further argued that even a civil suit was filed by the petitioner against the complainant – Jagdev Singh and others, praying for a similar relief, however, the same was withdrawn on 10.04.2005 as the relief sought for was already granted by the department. It is also submitted that thereafter for a long period of about 13 years, the complainants were sitting silent and did not raise the issue and it was only in November, 2017 that a complaint was lodged with the Police. Counsel for the

petitioner has further submitted that subsequently the complainant filed a petition i.e. CRM-M No.2745 of 2018 in which a direction was issued for deciding the representation of the complainant and only, thereafter, the present FIR has been registered. Counsel for the petitioner has mainly argued that the registration of the FIR, after such a long time, when the period of limitation or for filing a suit for recovery of the pensionary benefits taken by the petitioner, is otherwise barred, is not maintainable in view of the judgment of the Hon'ble Supreme Court of India "M/s Thermax Limited and others vs K.M. Johny and others", 2011(4) RCR (Criminal) 409. Notice of motion for 27.05.2019."

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 09.05.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the petitioner further submits that in the order dated 09.05.2019, it was noticed that Harmesh Lal died on 16.06.2001, however, it is Bhagwan Dass who had died on 16.06.2001 instead of Harmesh Lal.

Learned counsel for the State, on instructions from HC Judge Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 09.05.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

27.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No