

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.20827 of 2020
Date of Decision: November 19, 2020

Rajwant Kaur & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ritesh Pandey, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Amandeep Singh Mainse, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.111 dated 12.07.2020, under Sections 420, 380 and 506 IPC, 1860, registered at Police Station, Sadar Gurdaspur, District Gurdaspur. The petitioners apprehended their arrest at the hands of police in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 06.08.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“CRM-18829-2020

*Allowed as prayed for. Annexures P-6 to P-8 are taken
on record. Main case*

The petitioners pray for grant of pre-arrest bail in a

criminal case arising from FIR No.111 dated 12.7.2020 registered under Section 420, 380, 506 IPC at Police Station Sadar Gurdaspur, District Gurdaspur.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, in para 3 of the order, which is extracted as under:-

“3. Present FIR was registered on the complaint moved by Kuldeep Singh with the allegations that in the year 2005, he was falsely implicated in a criminal case in which he was declared proclaimed offender. Thereafter, he surrendered and he was sent to jail. In the year, 2016, accused Manjit Singh, Rajwant Kaur and Robinpreet Singh took forcible possession of his house measuring 6 Kanals and due to this act of accused, his wife also died. He was released on bail on 09/03/2020 and when he asked above said accused to vacate his house, they started threatening to send him jail again by implicating him in a false case. Rajwant Kaur give threat that she will implicate him in a false case by tearing her clothes herself. He had constructed his house in the year 1986 and electricity connection was in his name. In his absence, the accused prepared forged documents of house and also installed electricity meter in their name and got cancelled electricity meter in his name.”

Learned counsel for the petitioners contends that petitioner no.1 is sister-in-law of the first informant (brother's wife) whereas petitioner no.2 is son of petitioner no.1. He draws attention of the Court to an agreement dated 10.8.2006 executed between the parties transferring the property in dispute in favour of the petitioners. He further contends that both the parties have filed civil suits, which are pending.

Notice of motion.

At the request of the Court, Mr. V.G.Jauhar, Sr. DAG, Punjab accepts notice on behalf of the State of Punjab and prays for some time. Mr. A.S.Manase, Advocate puts in

appearance on behalf of the first informant.

Adjourned to 14.8.2020.

Keeping in view the facts of the case, it is considered appropriate that let the petitioners join investigation.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. According to him, the petitioners cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioners have joined the investigation. Learned counsel, on instructions from ASI Kuldeep Singh, further states that the petitioners are not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 06.08.2020 is made absolute.

November 19, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No