

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

CRM-M-25411-2020(O&M)

Date of decision: 17.09.2020

Manjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.P.S.Ahluwalia, Advocate for the petitioner

Mr. V.G.Jauhar, Sr. DAG, Punjab

Mr. Rajeshwar Singh Thakur, Advocate for the complainant

ANIL KSHETARPAL, J. (ORAL)

On 1.9.2020, this Court passed the following order:-

“Hearing of the case was held through video conference on account of restricted functioning of the Courts.

The petitioner, a 62 years old woman, prays for grant of pre-arrest bail in a criminal case arising from FIR No.0046 dated 19.03.2020, registered under Section 420/120B of the Indian Penal Code, 1860, at Police Station Navi Baradari, District Police Commissionerate, Jalandhar

The case of the prosecution is that late Sh. Bakshish Singh had executed a General Power of Attorney in favour of his pre-deceased son's widow (the petitioner herein) on 27.04.1998. It is alleged that the widowed daughter-in-law has sold 4 marlas 8 sq. feet land located in the village on 13.08.2018 on the basis of the aforesaid General Power of Attorney although the owner had already died. The first informant is the daughter of late Sh.Bakshish Singh.

Learned counsel for the petitioner contends that the first information report has been lodged after a delay of 12 years. He further submits that the reason as to why this FIR has been registered is that first informant's son is married to petitioner's sister's daughter and there is a marital discord between them. He further submits that the petitioner is ready to pay the amount representing share of the first informant along with interest.

Notice of motion, for 17.09.2020.

On the request of this Court, Mr. Dhruv Dayal, Sr. DAG, Punjab, accepts notice on behalf of the State and Mr. Rajeshwar Singh Thakur, accepts notice on behalf of the first informant.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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 State counsel on instructions from ASI Hardyal Singh, has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation. He further informs the Court that the petitioner does not have any criminal antecedents.

Sh. Rajeshwar Singh Thakur, Advocate for the first informant has submitted that the petitioner had executed a sale deed after the death of Bakshish Singh, on the basis of his General Power of Attorney, which is illegal.

Be that as it may. It is for the prosecution to prove its case before the Court. At this stage, the question is whether the petitioner is required for custodial interrogation or not.

In view of the statement made by learned State counsel, the order dated 1.9.2020, is hereby made absolute.

The petition stands allowed.

17.09.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No