

In virtual Court

CRM-M-27991-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27991-2020 (O&M)
Date of decision: 15.03.2021

Tasminder Singh @ Jasinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Rai, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.218 dated 05.08.2020 under Sections 420, 120-B IPC, registered at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar.

While granting interim bail to the petitioner, following order was passed by this Court on 16.09.2020: -

“...Learned counsel for the petitioner submits that the petitioner is aged about 82 years and is the real brother of Sukhwinder Singh, who has recently died on 13.09.2020.

Learned counsel further submits that as per the allegations in the FIR, registered at the instance of complainant Kiranjit Singh Athwal, son of Sukhminder Singh, it is stated that on previous occasions, his father Sukhminder Singh was kept in

confinement by the petitioner and Paramjit Kaur (complainant's mother) and in that process, a Will was prepared in favour of his sister. It is further stated in the FIR that Sukhminder Singh was kept in confinement so as to dispose of his property in an illegal manner.

With aforesaid allegations, the present FIR was registered that when a complaint was given by the petitioner and Paramjit Kaur, the police investigated the same and found it to be false.

Learned counsel further submits that from a bare perusal of the FIR, no offence under Section 420 IPC is made out as the only allegation is that on previous occasions, the petitioner and others have given false complaint against the complainant.

Learned counsel refers to a petition filed by complainant before the District Judge, exercising the powers of the Mental Healthcare Act, 2017, Jalandhar, against Jasinder Singh and others, however, the said petition was dismissed.

Learned counsel further submits that even Paramjit Kaur w/o Sukhminder Singh has filed a criminal writ petition before this Court, bearing CRWP-5347-2020, in which the petitioner is one of the respondents and the prayer was to release detenue Sukhminder Singh from the custody of the petitioner and the said petition is pending for 30.09.2020.

Learned counsel further submits that even Paramjit Kaur has filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against Sukhminder Singh, father of complainant, in which there are certain allegations of selling property and the same is also pending.

Learned counsel further submits that the only allegation against the petitioner is that on the statement given by the complainant, an enquiry was conducted by the police and it was found that the Will of Sukhminder Singh was executed in favour of his sister and two acres of land were sold...”

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Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel has filed the affidavit of Commissioner of Police, Police Commissionerate, Jalandhar dated 11.03.2021 in the Court today and has submitted that an SIT was constituted and based upon the report, a cancellation report has already been filed before the Illaqa Magistrate on 22.12.2020.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 16.09.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

15.03.2021
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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No