

CRM-M-33369-2021

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

CRM-M-33369-2021.
Date of Decision:-22.09.2021.

Harpal Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pardeep Singh Mirpur, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Parminder Pal Singh, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.204 dated 24.12.2019 under Sections 420/120-B IPC, 1860, registered at Police Station Maur, District Bathinda.

Mr. Parminder Pal Singh, Advocate has appeared and filed his vakalatnama on behalf of the complainant. The same is taken on record.

On 18.08.2021, this Court had passed the following order:-

*“Prayer in the present petition is for grant of
anticipatory bail to the petitioner in FIR No.0204 dated*

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24.12.2019 registered under Sections 420, 120-B of the Indian Penal Code, 1860 at Police Station Maur, District Bathinda.

Learned counsel for the petitioner inter alia contends that the petitioner is a bona fide purchaser and has paid the sale consideration through cheque which has been encashed. It is further submitted that even as per the case of the prosecution, complainant-Jeeto @ Surjeet Kaur had appeared before the Registrar at the time of registration of the sale deed. It has further been stated that even co-accused of the petitioner namely Jagdev Singh including seven other co-accused had also approached this Hon'ble Court and in their case also, notice of motion has been issued and interim protection has been granted and the said case bearing vide CRM-M-32979- 2021 is now fixed for 22.09.2021.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 22.09.2021.

To be heard alongwith CRM-M-32979-2021.

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

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*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 petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Jaspreet Kaur, has submitted that although the petitioner has joined the investigation but the recovery of money is due from her.

Learned counsel for the complainant has opposed the bail application and has stated that the complainant is staying in Rajasthan and she was told that a partition deed is to be executed, whereas, the sale deed has been executed and even the cheques have been paid to her relatives and not to her.

Keeping in view the fact that the present case is primarily a case having civil tappings and even a civil suit has been filed by the complainant with respect to the sale deed, which has been executed and the present FIR has been registered only to exert pressure on the petitioner to gain an unfair advantage in the civil litigation. The document which has been executed is a registered document carrying a presumption with it and in case the same has to be rebutted and the sale deed is sought to be challenged, Civil Court will be the competent Court to adjudicate the said matter. The registration of FIR cannot be used as a handle to recover money from the petitioner, as in case the complainant has a genuine case, the Civil Court would grant the complainant the necessary relief. Moreover, the petitioner has joined the investigation.

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Keeping in view the above facts and circumstances, moreso, the fact that the petitioner has joined the investigation, the present petition is allowed and interim order dated 18.08.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 22, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No