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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.34743 of 2021 (O&M)
Decided on: 25.11.2021

Daljit Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Naveen Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Vikas Arora, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.0197 dated 28.07.2021, registered under Sections 420, 120-B, 506 IPC at Police Station Maqboolpura, District Police Commissionerate, Amritsar.

The operative part of the order dated 31.08.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner submits that the petitioner is a household lady and acted as per directions of his son/co-accused Gurwinder Singh. It is further submitted that allegations in the FIR, registered at the instance of complainant Paramjit Singh, are that son of the petitioner/co-accused Gurwinder Singh entered into an agreement to sell dated 18.03.2020 regarding 54 kanal 9 marlas of land and received Rs.50.00 lacs as earnest money and the petitioner was one of the attesting witness.

It is further case of the complainant that later on, son of the petitioner Gurwinder Singh became dishonest and instead of executing the sale deed in favour of the complainant, he transferred the land in favour of present petitioner Dalbir Kaur.

Learned counsel for the petitioner has further submitted that the petitioner will appear before the Civil Court at Ajnala, where the civil suit is pending. In this regard, learned counsel has relied upon affidavit (Annexure P-3), wherein the petitioner has specifically stated in para No.3 that she is ready to make the statement before the Court that she will have no objection in case the land is transferred back to Gurwinder Singh.

Learned counsel for the complainant has, however, raised a doubt that since it is stated in the affidavit that the petitioner is not in talking terms with her son Gurwinder Singh, she may not appear before the Civil Court.

Be whatsoever, once an affidavit has been filed by the petitioner that she will have no objection if the land is transferred back to Gurwinder Singh, it is directed that the Civil Court, Ajnala, where the civil suit is pending, will act upon the statement, to be made on oath before the said Court and revert back the land in favour of Gurwinder Singh, so as to enable the complainant to pursue his remedy regarding specific performance of the agreement to sell against him.

List again on 25.11.2021....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 31.08.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits

that the petitioner is no more required for further investigation.

Counsel for the petitioner as well as counsel for the State have further submitted that the petitioner has already recorded her statement before the Civil Court that she has no objection if the land reverts back in favour of Gurvinder Singh, so as to enable the complainant to pursue his remedy regarding specific performance of agreement to sell against Gurvinder Singh.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 31.08.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

25.11.2021
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No