

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CRM No. M-42932 of 2021

Date of Decision : 18.11.2021

Kulwant Kaur and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Deepak Aggarwal, Advocate for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 182 dated 28.08.2021 under Sections 120-B, 406 and 420 IPC, registered at Police Station Samrala, Police District Khanna, District Ludhiana.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 12.10.2021. Order dated 12.10.2021 is as under:-

“Case has been taken up for hearing through Video Conferencing.

*This petition under Section 438 Cr.P.C. has been moved by petitioners namely **Kulwant Kaur** and **Ramanjeet Kaur** for grant of pre-arrest bail in case FIR No.182 dated 28.08.2021 under Sections 120-B, 406 and 420 IPC, registered at Police Station Samrala, Police District Khanna, District Ludhiana.*

Learned counsel for the petitioners inter alia contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges that petitioner No.1-Kulwant Kaur is the daughter-in-law, whereas petitioner

No.2-Ramanjeet Kaur is the granddaughter of Harbhajan Kaur (since deceased). He further urges that Harbhajan Kaur (since deceased) was having one bank account with State Bank of India, Branch Samrala, which was being used by petitioner No.1-Kulwant Kaur for deposit and withdrawal of the amounts from time to time either through internet banking or by way of using ATM and that too with the concurrence of said Harbhajan Kaur. He further urges that Harbhajan Kaur expired on 11.08.2020 and cremation was held at Samrala and since Harbhajan Kaur was residing with petitioners at Samrala, Death Certificate (Annexure P/1) was issued by Municipal Council, Samrala. He further urges that Lakhvir Singh, husband of petitioner No.1-Kulwant Kaur expired on 10.10.2020. He further urges that Harbhajan Kaur (since deceased) during her lifetime was residing with petitioners, whereas complainant-Bahadar Singh did not take care of his mother at any point of time. He further urges that petitioners had never forged any document for withdrawal of amount lying in the account of Harbhajan Kaur (since deceased) as petitioner No.1-Kulwant Kaur used to operate the account, as detailed above. He further urges that even otherwise, petitioners being legal heirs of Harbhajan Kaur (since deceased) were having share in her estate. He further submits that though petitioners have no nexus whatsoever with the alleged offence, they are ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State and seeks time to file status report. Complete copy of paper book be supplied to him during the course of the day.

Adjourned to 18.11.2021.

Status report by respondent-State be filed with the Registry of this Court well before the date fixed with copy in

advance to learned counsel for petitioners.

Meanwhile, in the eventuality of arrest of petitioners in the instant case FIR, they shall be enlarged on interim bail subject to their furnishing personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. Petitioners shall join investigation on 18.10.2021 at 10:00 AM sharp before Investigating Officer and that too in the presence of Lady Police Officer in Police Station Samrala, Police District Khanna, District Ludhiana, and on any other subsequent date as informed to them by the Investigating Officer. Petitioners shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.”

Learned State counsel, who has joined the proceedings of this Court through video conferencing, on instructions from ASI Mohan Lal states that in terms of the order passed by the co-ordinate bench of this Court reproduced before, the petitioners have joined the investigation and no further interrogation of the petitioners is required at this stage.

In view of the above, the order dated 12.10.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 18, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No