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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10183-2022 (O&M)
Date of Decision: 09.08.2022

Raj Shri @ Rajshree

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Raman Goklaney, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Shiv Kumar Sharma, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.13 dated 18.01.2022, under Sections 420, 406, 120-B IPC, registered at Police Station City Fazilka, District Fazilka.

It has been submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of 58 years and is also suffering from breast cancer was granted interim bail by this Court on 10.03.2022 and in pursuance thereof, the petitioner has also joined investigation and has fully cooperated with the investigation process. He further submitted that even otherwise also there is no role attributable to the petitioner with regard to the present offence, if any. He further submitted that the dispute,

if any, was between one Abhinav and the complainant and so far as the petitioner is concerned, she was only a bona fide purchaser for consideration of the property which was the subject matter of the dispute between Abhinav and the complainant and since she has already joined investigation, her interim bail may be confirmed.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has stated on instructions from ASI Kulwant Singh that it is correct that the petitioner has joined investigation. He further submitted that the anticipatory bail of the other co-accused namely Abhinav has been dismissed by this Court in CRM-M- 13447-2022.

Mr. Anmol Rattan Sidhu, learned Senior Counsel appearing on behalf of the complainant has also opposed the grant of anticipatory bail on the ground that the bail of the co-accused has already been dismissed.

I have heard the learned counsel for the parties.

It is correct that the bail application of the co-accused has been dismissed by this Court on 04.04.2022 but that would not become a ground for denying bail to the petitioner, if she is otherwise entitled according to the facts and circumstances of the present case. The petitioner is a lady of the age of 58 years and she is suffering from breast cancer as per Annexure P-10 which is medical record. The only role of the petitioner was that she has purchased the land and she was a bona fide purchaser for consideration. As per the facts of the case, petitioner is the mother of the co-accused but it appears that the dispute, if any, was between the other co-accused Abhinav and the complainant. Be that as it may this Court would not go into the merit of the case and the observations made in the present

case would not deem to be on the merits of the case. Considering the fact that the petitioner is a lady of the age of 58 years and is suffering from breast cancer, this Court deems it fit and proper to allow the present petitioner.

Consequently, the present petition is allowed and order dated 10.03.2022 is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

09.08.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No