

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

CRM-M-35617-2022

Date of Decision: 09.09.2022

Manjit Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sumit Jain, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Sukhbir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.128 dated 24.07.2022, under Sections 406 and 34 IPC, registered at Police Station Bhikhi, District Mansa.
2. On 10.08.2022, the following order was passed by a Coordinate Bench:

“This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 128 dated 24.7.2022, under Sections 406 and 34 IPC, registered at Police Station Bhikhi, District Mansa.

As per the case set up, Harbans Dass husband of the petitioner in connivance with the revenue officials transferred the property of Thakur Duare, Bhikhi in the names of his family members. It is alleged that a pattanama of 480 kanals in the year 1999 was made in the name of his sons. It was stated that religious sentiments were hurt.

Learned counsel for the petitioner submits that no land has been sold, land continues to be in the name of Dera. The land was leased out and the case is based upon documentary evidence. The submission is that earlier a similar complaint was submitted which after enquiry was filed. Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail. On a pointed query from the court, as to what recovery is to be made and why Sections 41 and 41A Cr.P.C.

have not been complied with in view of the decision of the Supreme Court in **Satender Kumar Antil v. Central Bureau of Investigation and another, SLP (Criminal) No. 5191 of 2021**, decided on 11.7.2022. He submits that ASI Balwant Singh present in court has no instructions as to why the provisions were not complied with.

Though the complainant is not impleaded as party, Mr. Pankaj Garg, Advocate puts in appearance on behalf of the complainant and opposes the prayer for grant of pre-arrest bail. He submits that Mahant has got the revenue entries in favour of his family.

Without commenting on the merits of the case, considering the nature of allegations, especially that no recovery is to be made, the dispute is with regard to entries made in the revenue record, petitioner is granted interim bail subject to her joining investigation within a week. In the event of arrest, she shall be released on bail subject to her furnishing adequate bail bonds to the satisfaction of the Investigating Officer. She is directed to join the investigation as and when called for. She shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 9.9.2022.

It has come to the notice that inspite of the decision of the Supreme Court in **Satender Kumar Antil's case (supra)**, the police authorities are not complying with the provisions of Sections 41 and 41A Cr.P.C., especially in cases like the present case where no recovery is to be made.

At this stage, learned counsel for the State submits the appropriate instructions for compliance of the provisions of Sections 41 and 41A Cr.P.C. shall be issued.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that she is not wanted in any other case.
4. Having regard to the aforestated position wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and otherwise has a clean record, the petition is accepted

and the interim directions issued by this Court vide order dated 10.08.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

09.09.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**