

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(101 +212)

CRM-M-4426 of 2023 (O&M)
DATE OF DECISION:-23.03.2023

Jaswinder Singh Sandhu and another

...Petitioners

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. A.P.S. Deol, Senior Advocate, with
Mr. Vishal R. Lamba, Advocate, for the petitioners.

Mr. Sumit Jain, Addl. A. G., Haryana.

Mr. Arjun Sharma, Advocate, for the complainant.

HARKESH MANUJA, J.

CRM No.13580 of 2023

By way of present application filed under Section 482 Cr.P.C., applicant/petitioners prays for permission to place on record documents Annexure P-9 i.e. documents/application withdrawing names as nominees in the flat dated 31.01.2023 and Annexure P-10 i.e. subsequent proceedings of the Executive Committee dated 07.03.2023 as well as Annexure P-11 i.e. a copy of meeting of Executive Committee in which name of Sarvjit Singh nephew of Satinderpal Kaur-complainant has been recorded as her nominee in the records of society in pursuance to executive committee meeting dated 19.02.2023 held by the executive committee of the society.

Application is allowed, subject to all just exceptions.

Documents Annexures P-9, P-10 and P-11 are taken on record.

CRM-M-4426 of 2023

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case

FIR No.07 dated 09.01.2023 (Annexure P-1) under Sections 419, 420, 467, 468, 471, 120-B registered at Police Station Sector 20, Panchkula (Annexure P-1).

Reply has been filed on behalf of complainant- Satinder Pal Kaur, the same is taken on record.

This Court, while issuing notice of motion on 27.01.2023, passed the following order :

“Learned counsel for the petitioners inter alia submits that the process of being incorporated as nominee in the property in question was never initiated at their instance. However, still the petitioners do not intend to continue being a nominee of Ms. Satinder Pal Kaur. They will move an application before the society, within a period of one week from today so as to withdraw their nomination.

The aforesaid shall however be subject to their right of inheritance pending in the Civil Court between the parties.

Notice of motion.

Mr. Arjun Sharma, Advocate who is present in the Court, accepts notice on behalf of complainant.

In the meanwhile, petitioners will join investigation before the Investigating Officer as and when called. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on their furnishing adequate bail and surety bonds to their satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

Adjourned to 14.02.2023.”

Learned counsel for the petitioner states that in pursuance of order dated 27.01.2023 passed by this Court, the petitioner has already joined investigation.

The above factual position is duly acknowledged by learned State counsel, on instructions from SI Rajpal, Police Station Sector-20, Panchkula, by submitting that the petitioner has joined investigation and their custodial interrogation is no longer required in this case.

In view of the above, the petition is allowed. Interim order dated 27.01.2023 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

23.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No