

**201/2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-10111-2022

Date of decision: 13.01.2023

POONAMPREET KAUR ... PETITIONER
STATE OF PUNJAB VS. .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Onkar Rai, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Amandeep Singh, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

On 10.03.2022, the following order was passed:-

“The petitioner has approached this Court for grant of anticipatory bail in case FIR No.42 dated 02.10.2021 under Sections 380, 427, 420, 467, 468, 471 and 120-B IPC registered at Police Station NRI, Ludhiana, District Ludhiana.

Learned counsel for the petitioner submits that the dispute in the case pertains to the Will executed by Manpreet Singh(deceased uncle of the petitioner). It is also submitted that a civil suit amongst the parties for declaration of joint possession is already pending adjudication. However, with a view to claim benefit in the ongoing civil suit, the instant FIR has been got registered so as to insist the petitioner into agreeing to the claim made by the complainant. Reference is also made to the order dated 11.02.2022 passed in the case of co-accused /father of the petitioner.

Notice of motion.

Mr. Karanbir Singh, A.A.G., Punjab, appears in the Court and waives service. A copy of the petition already stands served upon him.

Mr. Amandeep Singh, Advocate, appears on behalf of the complainant and filed his Vakalatnama, which is taken on record. He submits that the petitioner is a beneficiary under the said Will and that recovery of the original Will is yet to be effected along with the sale proceeds of the property sold by the husband of the complainant that have been clandestinely removed by the petitioner. It is, however, not denied by learned counsel

for the complainant that the civil proceedings amongst the parties are pending and that mutual claims are yet to be adjudicated upon. The circumstances as are likely to raise a dispute with respect to the genuineness of the Will in question are yet to be finally decided by the civil court.

To come up on 16.05.2022 for further consideration.

To be listed along with CRM-M-5883-2022.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, she shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by her to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Joginder Pal, has not disputed the aforesaid factual aspect. It has been submitted that the recovery of Will and alleged stolen property are yet to be effected.

The legality and validity of the Will is to be adjudicated by the Civil Court which is seized of the controversy.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 10.03.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

13.01.2023.
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No