

CRM-M-23549 of 2023

[1]

2023:PHHC:084117

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-23549 of 2023

Date of decision:05.07.2023

Pardeep Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. N.S.Dandiwal, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

1. On 15.05.2023, this Court passed the following order:-

“This petition under Section 438 of the Code of Criminal Procedure is filed by petitioner-Pardeep Kaur seeking anticipatory bail in FIR No.79 dated 29.04.2023 under Sections 457, 380 and 120-B IPC registered at Police Station Dharamkot, District Moga.

As per the allegations, the FIR was registered on the statement of Sukhmander Singh alleging that the house of his younger sister Amandeep Kaur is situated in village Lohgarh and he was looking after said house of her sister as she had gone to Portugal. According to him, on

07.03.2013 he had visited house of his sister and found that everything was in order. Thereafter on 19.03.2023 at about 2 pm he again visited the house of his sister and saw that Gurinderjit Singh, brother-in-law of his sister along with others members of her in-laws family had demolished the middle boundary wall about 20 feet and stolen the bricks from there and had forcibly tied the cattle in the Veranda of the house of her sister. He also found that lock of the room at first floor was broken and found scooter bearing No.PB 29 Z 0925 make maestro, household articles and cylinder had been stolen by the petitioner-Pardeep Kaur and others. On these allegations, he claimed to take action against the petitioner and other culprits.

Notice of motion for 05.07.2023.

At the asking of the Court, Mr. C. L. Panwar, Addl. AG, Punjab accepts notice on behalf of respondent-State.

Learned counsel for the petitioner contends that complainant and petitioner are related to each other. He further argues that Gurmail Singh- father-in-law of the sister of the complainant (Sukhmander Singh) has instituted a civil case before learned Civil Judge (Senior Division), Moga for grant of decree of permanent injunction, seeking

to restrain the complainant and others (arrayed as defendants in the said suit) and their agents from taking over the illegal possession of the land measuring 05 kanals 08 marlas along with a house Marked ABCD & shown in red colour in the site plan attached with suit. The learned Court at Moga vide order dated 18.03.2023 granted a stay and restrained the complainant and others from dispossessing the plaintiff (father-in-law of the sister of the complainant), from the suit property forcibly and illegally, except in due course of law till 10.04.2023. The complainant thereafter made the present complaint alleging the commission of the incident on 19.03.2023.

Learned counsel for the State stated that the co-accused Gurmail Singh and Kulwant Kaur have already been arrested and recovery of cylinder and scooter has already been effected from them.

In the meanwhile, petitioner is directed to join the investigation and appear before the Investigating Officer within 10 days from today and on her doing so, the petitioner shall be released on interim anticipatory bail subject to her furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The

petitioner shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C.”

2. Upon instructions from ASI Jaswinder Singh, State counsel submits that the petitioner has joined and cooperated with the investigation and she is no longer required for custodial interrogation.

3. In view of the above facts, but without commenting on the merits of the case, present petition is allowed. Order dated 15.05.2023 is made absolute, subject to the fulfillment of conditions laid down in Section 438(2) Cr.P.C.

July 05, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No