

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

204

**CRM-M No.30015 of 2023 (O&M)
Date of Decision: 06.12.2023**

Karamjeet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. G.S. Ghuman, Advocate and
Mr. P.S. Maan, Advocate
for the petitioner.

Mr.C.L. Pawar, Addl.A.G., Punjab
for the respondent-State.

Mr. K.S. Sachdeva, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.

1. Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.92 dated 24.03.2023, under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station, Tripuri, District Patiala (P-1).

2. The above FIR was registered on the basis of complaint made by one Jaspreet Singh with the allegations that petitioner, alongwith other co-accused dishonestly and with mala fide intention defrauded him of an amount of Rs. 1,05,00,000/- on the pretext of selling his share in the

agricultural land.

3. The Coordinate Bench, while issuing notice of motion on 08.6.2023, passed the following order :-

“xx xx xx xx xx

Notice of motion.

Pursuant to advance notice, Mr. Sarabjit Singh Cheema, DAG, Punjab has put in appearance on behalf of the respondent-State.

Mr. K. D. Sachdeva, Advocate has also appeared on behalf of the complainant.

The dispute is regarding agreement to sell dated 21.08.2021 (Annexure P-2). One of the stipulation in the agreement reads as under :-

“...I am obligated to have the registry of the said share of my property be transferred under the name of buyers after having the same partitioned prior to the specified date. If I am rendered incapable of partition of the above property by the specified date or if I am unable to have the same be registered due to some legal hindrance, then I am obligated to have the specified date be rescheduled to that extent.”

The parties agree that the matter can be settled before the appropriate Forum. So, the dispute is referred for mediation. The parties are directed to appear before the Mediation and Conciliation Centre functioning in this Court on 06.07.2023.

To await the report of Mediator, adjourned to 28.07.2023.

In the meantime, no coercive action shall be taken against the petitioner.”

4. This Court, on 24.08.2023, granted interim bail to petitioner in the following manner:-

“Mr. G.S.Ghuman, Advocate has filed Power of Attorney on behalf of the petitioner, superseding earlier Counsel.

Interim order dated 08.06.2023, passed by the Coordinate Bench, is modified to the extent that petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

Posted for 25.09.2023.”

5. Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.
6. Learned State Counsel, on instructions from ASI Balwinder submits that petitioner has joined investigation and as on today, her custodial interrogation is not required.
7. On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.
8. In view of above, interim order dated 24.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
10. The above observations may not be construed as an expression

of opinion on merits of the case; rather confined only to decide the present bail matter.

11. Disposed off accordingly.

12. Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

06.12.2023

Satyawan

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No