

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

203

CRM-M-31644-2023**Date of decision: 09.10.2023**

Jasbir Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY*********

Present : Mr. Bharat Bhushan Choudhary, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

***********AMAN CHAUDHARY. J.**

1. On 05.07.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 0005 dated 06.08.2022, registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station NRI, District Patiala.

Learned Senior counsel submits that though the petitioner had been granted divorce by the Court in the United States of America on 17.08.2009 but there was a stipulation made therein that respondent therein-Parmander Singh would pay a sum of \$55,000.00 as her share from the property in India, which was not done. Thus, she had the right to the said property in India, a part of which measuring 7 kanal 5 marla out of a total of 18 kanals was sold by her and both children through her brother acting as attorney-co-accused-Rajinder Singh amounting Rs.9,50,000/- vide sale deed dated 03.06.2019, on the basis of mutation that had been sanctioned in the year 2017, it being part of their respective shares.

Thereafter, a civil suit was filed in the year 2018 by the mother of her ex husband and a complaint in this regard was also filed with the police by Darshan Singh, brother of her husband, which was enquired into by the SHO NRI Patiala and submitted the report to AIGP NRI Wing, Patiala, who agreed with the same that no police proceedings are required. Accordingly, the application was consigned to the record room. However, on 02.05.2022, a second complaint, the present FIR came to be lodged. The land which has been sold is less than the land falling in their share, which is 12 kanals, even as per the case put up in the complaint. Co-accused Rajinder Singh has been granted anticipatory bail by this Court vide order dated 02.12.2022 in CRM-M-43811-2022, Annexure P-5. She is not involved in any other case. The petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Reliance is placed on the cases of **Vijay Babu vs. State of Kerala**, Bail Appl. No.3475 of 2022, decided on 22.06.2022, upheld by Hon'ble The Supreme Court, Sheikh Afsaar Ali and others vs. State of Bihar, Criminal Misc. No.57656-2021 decided on 04.07.2022, **Randev Singh Saini through GPA Holder vs. State of Punjab**, CRM-M-9177-2021 decided on 16.06.2021 and **Hitesh Kumar Vadilal Shah and another vs. State of Gujarat**, CRM Misc. No.9041-2012 decided on 28.06.2012.

Notice of motion for 26.09.2023.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 31.08.2023. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

- 2. Learned counsel submits that in pursuance of the above order, the petitioner has not only joined investigation, but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.
- 3. Learned State counsel on instructions from ASI Sohan Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
- 4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 05.07.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.
- 5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

09.10.2023
Mehak

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No