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

**CRM-M-43100-2023
Date of decision : 28.11.2023**

RAJWINDER KAUR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Parminder Singh-I, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 31.08.2023, the following order was passed :-

“Apprehending her arrest in FIR No.193 dated 19.07.2023 registered for offence punishable under Sections 420, 467, 468 IPC at Police Station City Kapurthala, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia submits that the dispute relates to estate left by Jagdev Singh. Complainant, who is settled in USA, is the son of Jagdev Singh out of his first marriage with Mohinder Kaur. Jagdev Singh married his own cousin i.e. Balbir Kaur @ Mereline Balbir Kaur Sahiba. Out of the second wedlock, he had three children including one Tejpal Singh. Petitioner herein is the widow of said Tejpal Singh in whose favour mutation has been sanctioned. Parties are already before the Civil Court wherein the complainant is one of the plaintiffs seeking decree of declaration

to the effect that the mutation sanctioned in favour of petitioner and other legal heirs was passed on the basis of fake and fabricated documents. Thus, it is a case wherein the matter which is purely of civil nature has been given a criminal colour.

Notice of motion.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

Adjourned to 28.11.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the Arresting Officer/ Investigating Officer. As and when called, the petitioner shall join the investigation. She shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Mangal Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 31.08.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Petition stands disposed off accordingly.

November 28, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No