

205/5 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46238-2022
Date of Decision: 16.02.2023

JAGIR KAUR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.K.Bhatnagar, Advocate for the petitioner.
Mr. M.S.Nagra, AAG Punjab.
Mr. Umaid Singh Mann, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 36 dated 26.11.2021 under Sections 420, 465, 468, 471, 120-B IPC, registered at Police Station NRI, District Police Commissionerate, Amritsar.

On 12.10.2022, the Co-ordinate Bench of this Court had passed the following order:

“Learned counsel for the petitioner has submitted that the petitioner is the co-owner of the land and the land has not been partitioned and she has sold the land to the extent to which she was the owner and of which she had a rightful authority to sell and the allegation was that she had sold an excess of her share. He submitted that the petitioner is a lady of the age of 75 years and there is apprehension that she may be arrested because of the aforesaid reason only.

Notice of motion.

Mr. Kunal Vinayak, learned Assistant Advocate General Punjab accepts notice on behalf of the State of Punjab and prays for some time to file an affidavit.

Adjourned to 16.02.2023.

To be heard alongwith CRM-M-21696-2022.

In the meantime, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of her arrest, she shall be released on bail by the Arresting/Investigating Officer on her furnishing bail

bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.”

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

Learned State counsel, on instructions from ASI Amarjit Singh, has not disputed the aforesaid factual aspect and further submitted that the custodial interrogation of the petitioner is not required.

Learned counsel for the complainant submits that the purchasers of the property from Jagir Kaur have further sold the same during the pendency of the petition.

On a query, learned counsel for the complainant has not disputed the fact that civil proceedings were also initiated and no restraint order was issued.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 12.10.2022 is made absolute.

16.02.2023

Janki

(VIVEK PURI)
JUDGE

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