

210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6142-2024
Date of decision : 08.04.2024

SINDER KAUR ALIAS SURINDER KAURPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ritesh Tomar, Advocate for
Mr. Jimmy Singla, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 05.02.2024, the following order was passed :-

“Apprehending her arrest in FIR No.80 dated 03.05.2023, registered for offences punishable under Sections 420, 406, 347, 365, 120-B of the Indian Penal Code, 1860 at Police Station Lehra, District Sangrur, Punjab the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia relies upon order dated 19th of October, 2023 passed in CRM-M-48759-2023 wherein while granting indulgence to the co-accused Hardev Kaur, following order was passed:

"The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail to the petitioner in case FIR No. 80 dated 03.05.2023, registered under Sections 420, 406, 347, 365 and 120-B of the Indian Penal Code, at Police Station Lehra, District Sangrur (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against her. Even as per the story of the prosecution, the matter relates to the alleged sale of the properties of the complainant. However, the petitioner is neither a signatory to any of the document nor a witness, nor has she received any money in the entire transaction. There is no other case against the petitioner. The petitioner shall join the investigation as and when called for by the police. Hence, the petitioner deserves to be protected against her arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent – State.

Counsel for the State, being instructed by ASI Harbans Singh, Police Station Lehra, Sangrur has submitted that the petitioner along with family members have fraudulently sold the land of the complainant. The petitioner had very much participated in the entire process. However, it is not disputed that the petitioner is neither a signatory to any of the document nor has she received any money in this regard. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to her furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the

investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C."

He further submits that the incident is much prior to 21 of December, 2022 when the application was moved and the delay remains unexplained. Further submits that apart from that there is no overt act/ omission attributed to the present petitioner.

Issue notice of motion, returnable for 08.04.2024.

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

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 Harbans 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 05.02.2024 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.

April 08, 2024	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No