

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-6712-2024(O&M)
Date of decision: 24.04.2024

Kulbir Kaur and another
...Petitioners
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Inderjit Sharma, Advocate for the petitioners.
Ms. Manjot Kaur, AAG, Punjab.
Mr. Rajat Dogra, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed for grant of pre-arrest bail to the petitioners in FIR No. 0002 dated 04.01.2024, under Sections 120B, 419, 420, 465, 467, 468, 471 of Indian Penal Code, 1860, registered at Police Station, Kahnuwan, Tehsil and District Gurdaspur.

(2) Allegations are that petitioner alongwith co-accused forged the sale deed dated 26.04.2004, purportedly executed by Tej Kaur in his favour; whereas she died on 28.05.1999.

(3) Contends that this Court granted interim bail to the petitioners on 08.02.2024 and in terms thereof, they have already joined the investigation; thus their custodial interrogation is not required.

(4) Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioners are not required at this stage.

(5) On the other hand, learned counsel for the complainant opposed the prayer on the premise that civil suit is pending between the parties.

(6) Heard learned counsel for the parties and perused the paper-book.

(7) It transpires that petitioners were granted interim bail by this Court on 08.02.2024 and order reads as under:-

“ Contends inter alia that petitioners are only the attesting witness to the sale deed dated 26.04.2004 and civil suit in this regard is already pending between the parties.

Notice of motion.

Mr. Joginder Pal Ratra, Sr.DAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Mr. Rajat Dogra, Advocate has filed power of attorney on behalf of complainant and the same is taken on record. Registry to tag the same at appropriate place.

Posted for 24.04.2024.

In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioners shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(8) It is acknowledged by learned State counsel that in pursuance of above order, petitioners have joined investigation and their custodial interrogation is not required at this stage.

(9) Although, learned counsel for complainant objected to the prayer of the petitioner, but State is not asking for custodial interrogation and moreover,

the civil suit is already pending between the parties, therefore, the objection of complainant is rejected.

(10) In view of above, interim order dated 08.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(11) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(12) 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.

(13) It is made clear that in case of any recurrence on the part of the petitioners, the State would be at liberty to move an application for recalling of this order.

(14) Disposed off accordingly.

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

24.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No