

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9879-2024(O&M)
Date of decision: 24.04.2024

Sheetal Singh

...Petitioner

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. A.S. Manaise, 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 petitioner 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) Short affidavit dated 24.04.2024 of Rajbir Singh, PPS, Deputy Superintendent of Police, Rural, District Gurdaspur has been filed on behalf of respondent-State, which is taken on record. Copy supplied to the other sides. Registry to tag the same at appropriate place.

(4) Contends that this Court granted interim bail to the petitioner on 26.02.2024 and in terms thereof, he has already joined the investigation; thus his custodial interrogation is not required.

(5) 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 petitioner is not required at this stage.

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

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

(8) It transpires that petitioners were granted interim bail by this Court on 26.02.2024 and order reads as under:-

“ Contends, inter alia, that civil suit is already pending between the parties and co-accused-Kulbir Kaur & Salwinder Singh have already been granted concession of pre-arrest protection by this Court vide order dated 08.02.2024 passed in CRM-M-6712-2024.

Notice of motion.

Mr. Neeraj Madaan, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State and seeks time to file short affidavit regarding complicity of the petitioner.

Posted for 24.04.2024.

To be heard along with CRM-M-6712-2024.

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

(9) It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.

- (10) 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.
- (11) In view of above, interim order dated 26.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (12) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (13) 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.
- (14) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
- (15) Disposed off accordingly.
- (16) 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