

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-11619-2024
Date of decision : 18.03.2024

Ritu Sharma Petitioner

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Mukesh Pandit, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab
with ASI Subhash Chander.

Ms. Jasleen Kaur, Advocate
for respondent No.2

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of pre-arrest bail to the petitioner in FIR No.003 dated 04.01.2024, registered for the offences punishable under Sections 447 and 457 of IPC at Police Station City Rupnagar.
2. The allegation against the petitioner is of having taken illegal possession of a property which was possessed by bank as a consequence of proceedings under Section 13 of the SARFAESI Act.
3. Counsel for the petitioner submits that the petitioner is no more in possession of the property. Counsel for the bank also admits that as on today, the possession of the property in question vests with auction purchaser after the same was handed over to the auction purchaser by the bank.
4. In view of above admitted position, the present petition is

allowed.

5. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.
6. This order should not be treated as "blanket" order. It will not be read granting 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.
7. 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.
8. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
9. 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.
10. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE