

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28627-2024
DECIDED ON: 14.06.2024

NAVJOT DHIMAN ALIAS NAVJOT KAUR DHIMAN
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parvez Chugh, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.0047, dated 29.03.2024, under Sections 420, 120-B, 447, 511 IPC, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner has inherited the property after the death of her father and sold some part of the same to the complainant. He further contends that the grievance of complainant raised in the instant FIR is qua the fact that at the time of purchase of property from the father of the present petitioner, it was under mortgage with the Bank from whom the finance has been taken by the deceased father of the petitioner. It is fairly conceded on behalf of the petitioner that she has inherited the liability of mortgage and not running

away from the same but is waiting for one time settlement with the said bank, therefore, has no intention to defraud or cheat the complainant-respondent in any manner whatsoever.

Notice of motion.

On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State and submits that though the sale deed stands executed on 13.05.2021 for the land measuring 13 kanals and 12 marlas out of her total share of 21 kanals.

Mr. Joginder Pal Ratra, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.

It is also informed to the Court by learned State counsel that the mutation could not be entered on account of the application made to revenue authority by the petitioner's sister namely Harjot Kaur, who also devolved her rights qua share of another 21 kanals on inheritance.

Having heard learned counsel for the parties including the counsel for the complainant, this Court is of the firm view that it was also incumbent upon the complainant as well at the time of purchase of land as a *bona fide* purchaser to enquire into the nature and title of the property in question which he has also failed on some account.

Since, the learned State counsel on instructions from ASI Karamjit Singh submits that the custodial interrogation of the petitioner is not required subject to the petitioners joining the investigation and cooperate

with the investigation officer in submitting the necessary information which is documentary in nature, this Court would deem it appropriate to allow the instant petition at this stage.

Hence, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

14.06.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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