



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29618-2024

DECIDED ON: 11.06.2024

POONAM LATA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pawandeep Singh, Advocate
for the petitioner.

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.0055, dated 08.05.2024 (Annexure P-1), under Sections 420, 465, 466, 467, 468, 471 and 120-B IPC, registered at Police Station Anandpur Sahib, District Rupnagar.

Learned counsel for the petitioner contends that the dispute involved in the instant FIR is purely of civil nature which has been given the colour of criminal liability though on bare perusal of the instant FIR and the story of the prosecution itself as well as the complainant's statement, offence under Sections 420, 465, 466, 467, 468, 471 and 120-B IPC are not made out.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and could not convince this Court as to on what account custodial interrogation of the

petitioner is required since no article is to be recovered from her whatsoever, who is 36 years old lady.

Having heard learned counsel for the parties and gone through the record, it is evident that a civil suit between the complainant and the present petitioner is already pending bearing civil suit No.199 of 2023 titled as ***“Om Dutt versus Poonam Lata and others”*** for declaration of the property in question i.e. the land bearing Khasra No.309/296 Min, Khatoni No.364, Khasra No.155/3 (0-18) and comprised of Khewat No.191/181, Khatoni No.210, 211 & 212, Khasra No.16//8 min(3-16), 16//8 Min Dhakhan (3-16), 16//7/2 Min Dhakhan (3-18) village Ganguwal allegedly to be in possession of Om Dutt as Gair Marusi rights after the death of his father Ram Nath.

Having due regard to the submissions made by the learned counsel for the parties and nature of dispute involved in the instant FIR wherein only the documentary material is to be considered by the prosecution itself, if any at all to conclude the investigation in the instant FIR, this Court is of the considered view that custodial interrogation of the petitioner is not required at all.

In the light of above, 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.

11.06.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No