



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

209

CRM-M-30646 of 2024

Date of decision: 29th August, 2024

Sarabjit Kaur @ Savita Bawa and another

.....PETITIONERS

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Ranjit Singh Sidhu, Advocate for petitioners.
Mr. Amit Rana, Sr. DAG Punjab.
Mr. Balbir Kumar Saini, Advocate for complainant.

MANJARI NEHRU KAUL, J (ORAL)

The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.67 dated 22.05.2024, under Sections 406, 427, 454, 120-B of the Indian Penal Code, 1860, registered at Police Station Kot Isse Khan District Moga.

Vide order dated 27.06.2024 the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioners inter alia contends that it is a matter of record that there is a civil litigation pending between the petitioners and the complainant, who is none other than the brother of petitioner No.1 and an NRI. In support of his submissions, learned counsel for the petitioners has drawn the attention of this Court to Annexures P-5 and P-6, which is a copy of the plaint in a civil suit instituted by petitioner No.1 against the complainant in which ad interim injunction was granted in her favour pertaining to the property in question. Learned counsel submits that the complainant has levelled allegations against the petitioners qua the very same property, which is subject matter before the Civil Court.”

Learned counsel for the petitioners submits that in compliance of order dated 27.06.2024, the petitioners have joined investigation and cooperated with the investigating agency.

Learned counsel for complainant, however, vehemently opposes the prayer made for extending of concession of anticipatory bail in view of the allegations levelled against the petitioners and also the fact that household articles of the complainant have not yet been recovered from the petitioners.

Learned State counsel, on instructions from ASI Harjinder Singh, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioners are not required for further investigation much less for their custodial interrogation.

In view of the above, the petition is allowed and interim order dated 27.06.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023. Needless to say, in case the petitioners misuses the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

29th August, 2024
reema

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No