



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-41960-2024 (O&M)
Date of Decision: 16.12.2024

BALWINDER KAUR
STATE OF PUNJAB

VERSUS

....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. H.S. Multani, Advocate for the petitioner.
Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
93	24.05.2024	P.S. Sadar Nabha, District Patiala	406, 420, 120-B of IPC

2. Vide order dated 29.08.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 29.08.2024 is reproduced as under:-

“The instant petition has been filed by the petitioner seeking grant of anticipatory bail in case arising out of FIR No.93 dated 24.05.2024 registered under Sections 406, 420 and 120-B of IPC at Police Station Sadar Nabha, District Patiala on the basis of complaint filed by the complainant- Khushal Kumar alleging therein that he had entered into an agreement



to purchase one house measuring 420 sq. yards owned by the accused-Saroop Singh for sale consideration amount of `32 lacs. An amount of ` 10 lacs had been paid by him to Saroop Singh at the time of execution of agreement on 09.05.2019. The sale deed was to be executed on or before 07.05.2020. The said period was extended and lastly the date for execution of registration of sale deed was extended to 15.07.2022. The accused Saroop Singh and the present petitioner who is wife and son of Saroop Singh finally refused to execute the sale deed in favour of the complainant on 03.10.2023 and extended threats to kill him. While alleging that he came to know that the accused were in the habit of cheating other people as well in similar manner, he prayed for taken action against the accused. After registration of the FIR, investigation proceedings have been initiated and are underway. Since the petitioner has also been nominated as an accused, therefore, apprehending her arrest, she had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 14.08.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. She is neither the owner of the land which was agreed to be sold to the complainant nor she is the signatory of any agreement to sell. The land in question is in possession of the complainant since the year 2019 and in fact, it is the complainant who with an intention to grab the abetting land measuring 150 sq. yards, has lodged FIR against the petitioner. She has nothing to do with the agreement executed between her husband and the complainant. In fact, it is civil dispute which has been given colour of criminal litigation. No recovery is to be



effected from her. Her custodial interrogation is not required. She is ready to join the investigation. Therefore, it is urged that the petition deserves to be allowed.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 30.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

4. Learned State counsel has already filed status report and has submitted that the petitioner has joined the investigation on 27.09.2024. No recovery is to be effected from the petitioner. No useful purpose would be served by detaining her in custody any more.

5. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 29.08.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.



6. Since the main petition stands allowed, the application filed by respondent/complainant is dismissed as having been rendered infructuous.

16.12.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |