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

CRM-M-64030-2024**Date of Decision: 19.02.2025**

Rajani Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. C.L. Verma Advocate,
for the petitioner.

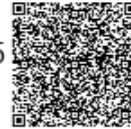
Ms. Avneet, AAG, Punjab assisted by
ASI Surjit Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for seeking pre arrest bail in FIR No. 150 dated 28.11.2024, registered under Sections 406 and 420 of the Indian Penal Code, 1860 (for short "IPC") at Police Station Division No.1, Jalandhar, District Jalandhar.

2. Allegations are that petitioner sold portion of House No.240-241, measuring 02 Marla, 126 ft. to Ajay Kaul & Dayal Chand for sale consideration of Rs.17 lakh. However, later on, said vendees received a notice from the Court of Sh. Jaginder Singh Civil Judge (JD), Jalandhar regarding a civil suit having been filed by Kiran Rani against petitioner seeking possession of the said property by way of specific performance of the agreement to sell, executed by petitioner in favour of Kiran Rani on 27.07.2022.

3. Learned Counsel contends that petitioner was granted interim bail by this Court, vide order dated 20.01.2025 and in pursuance thereof, she has



already joined the investigation; hence, her custodial interrogation is not required.

4. The above factual position is not disputed by learned State Counsel, on instructions from ASI Surjit Singh.

5. Heard learned Counsel for the parties and perused the paper-book.

6. It transpires that petitioner was granted interim bail by this Court, vide order dated 20.01.2025 and the order reads as under:-

“Short reply by way of an affidavit dated 18.01.2025 of Sh. Rishabh Bhola, ACP (North), Police Commissionerate, Jalandhar has been filed. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

*Contents that Civil Suit, tilted as “**Rajni Sharma Versus Ajay Kaul and others**” is already pending between the parties i.e. petitioner and complainant. Further contends that petitioner is ready to join the investigation.*

In view of the factual position noticed hereinabove, prima facie, it is a civil dispute.

Posted for 19.02.2025.

In the meanwhile, petitioner shall join investigation and till the next date of hearing, her arrest shall remain stayed.”

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and her custodial interrogation is not required.

8. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 20.01.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) BNSS.

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.



10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

11. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

19.02.2025
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No