

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

**CRM No.M-1619 of 2015
Date of Decision:- 30.01.2015**

Dr. Sushma Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Salil Sabhlok, Advocate,
for the petitioner.**

**Mr. J.S. Sekhon, Assistant Advocate General, Punjab
for the State.**

MEHINDER SINGH SULLAR, J.(oral)

Petitioner-Dr. Sushma Sharma alias Sushma daughter of Krishan Sharma, has preferred the instant petition for the grant of anticipatory bail, in a case registered against her, vide FIR No.1 dated 01.01.2015, on accusation of having committed an offence punishable under Section 420 IPC, by the police of Police Station Sadar Patiala.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by this Court on 16.01.2015: -

“Learned counsel, inter alia, contended that the petitioner is a doctor by profession. The complainant has falsely implicated her with respect to the agreement to sell executed on 12.09.2008 by her (complainant) husband, whereas the present case was registered against her, vide FIR No.1 dated 01.01.2015, after a gap of more than six years. Moreover, the controversy is stated to be purely of a civil nature and the civil suit, with regard to the indicated agreement to sell, between the parties is pending in the civil Court.

Heard.

Notice of motion be issued to the respondent, returnable for 30.01.2015.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of her arrest, the Arresting Officer would admit her to bail on her furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- to his satisfaction.”

5. At the very outset, on instructions from HC Ashwani Kumar, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioner has already joined the investigation. She is no longer required for further interrogation, at this stage. There is no history of her previous involvement in any other criminal case. Moreover, the offence alleged against the accused is triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for anticipatory bail is accepted. The interim bail

already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of her bail, in this Court.

January 30, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE