

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

Crl. Misc. No.M-27757 of 2015

Date of Decision: 13.10.2015

Sapna

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. M.S. Bajwa, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.44 dated 07.02.2014 registered under Sections 420/120-B IPC at Police Station Civil Lines, Amritsar.

While issuing notice of motion on 20.08.2015, the following order was passed :-

“ Learned counsel for the petitioner submits that initially inquiry was conducted by Assistant Commissioner of Police and allegations were found to be false. Subsequently, on the same set of allegations, the present FIR has been registered. The petitioner is ready to join investigation.

Notice of motion for 24.09.2015.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. She shall join the investigation as and when required by the Investigating Officer. She shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

- (i)that the petitioner shall make herself available for interrogation before investigating officer as and when required;
- (ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (iii)that the petitioner shall not leave India without the prior permission of the Court.”

As per the contention raised by learned counsel for the petitioner, it was mentioned that initially the inquiry was conducted by Assistant Commissioner of Police and allegations were found to be false. Subsequently, on the same set of allegations, the present FIR has been registered.

Learned counsel for the respondent-State, on instructions from Sub Inspector Jhirmal Singh, submits that only one inquiry was conducted and on the basis of that inquiry, the present FIR was registered. A wrong averment has been made by learned counsel for the petitioner that earlier the inquiry was conducted by Assistant Commissioner of Police.

A perusal of contents of the FIR shows that it has not been mentioned therein that earlier the allegations were found to be false. Not only a wrong averment has been made while issuing notice of motion but even the correct translation of the FIR has not been placed on record. The allegation against the petitioner is that she along with her husband accused-Pawan Kumar has agreed to provide job to the nephew of the

complainant by taking an amount of ₹ 5,00,000/- Not only they have introduced themselves as higher railway officials but an assurance was also given by them to the nephew of the complainant that an appointment letter would be issued to him after some time but subsequently, in spite of waiting for a long period, no appointment letter was issued. Even thereafter also, an assurance was given by the petitioner and her husband that the appointment letter has been posted but the same is in process and will be received shortly.

Not only serious allegations are there against the petitioner but a wrong averment has also been made, due to which, the interim anticipatory bail was granted to the petitioner on 20.08.2015.

Keeping in view the serious allegations levelled against the petitioner, no ground is made out to grant anticipatory bail to the petitioner and the petition, being devoid of any merit, is hereby dismissed.

13.10.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE