

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-10613-2015

Date of decision: September 26, 2016.

Radhika Behl

... **Petitioner**

v.

State of Punjab and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Hemant Saini, Advocate for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Punjab.

Mrs. G.K. Mann, Advocate for the complainant.

**A.B. Chaudhari, J.** (Oral):

Heard learned counsel for the rival parties. This petition for anticipatory bail was filed in this Court on 30.3.2015 and on 1.4.2015, this Court had prohibited the arrest of the petitioner. Thereafter, the interim order was continued on several dates. Order dated July 23, 2015 shows that the reply filed by the petitioner to the application filed by respondent No.2 – complainant was returned by the Registry with certain objections and therefore the petitioner wanted to file reply after removing the objections. On 11.8.2015, counsel for the petitioner took adjournment which was not objected to by the complainant. Thereafter, it appears from order dated 25.8.2015 that the Court directed the parties to remain present in Court, perhaps to have amicable settlement which is evident from order dated

1.9.2015. On September 8, 2015, the interim order was made by this Court which was continued on 24.9.2015. Again, the petitioner was directed to appear before the IO and also directed to appear as and when called by the IO. On December 15, 2015, counsel for the respondent No.2 – complainant sought adjournment which was granted. On 25.4.2016, this Court recorded that the State Counsel submitted that the challan was presented before the Court. On the same date, i.e., 25.4.2016, counsel for the complainant – respondent No.2 prayed for adjournment, which was granted.

Be that as it may, looking to the entire period that has passed, the only ground pressed by the counsel for the complainant as well as Counsel for the State is about the recovery of gold weighing 500 grams. In so far as alleged theft of documents of sale deeds are concerned, fairly the counsel for the complainant – respondent No.2 as well as counsel for the State say that the sale deeds are not in the name of the petitioner but are in the name of respondent No.2 and his relatives. The theft of the documents of the sale deeds makes no difference.

That apart, the next submission is that for obtaining loan amount of Rs.10 lacs, signatures of the complainant – respondent No.2 were forged by the petitioner in the bank. I have seen the case diary and it appears from the case diary and also submitted by counsel for the State that the signatures were compared by the hand-writing expert and he has found that the same were forged.

In that view of the matter, the custody of the petitioner is not required as the prosecution has collected the necessary evidence. What remains then is only the recovery of the gold. For the last one and a half

years, the petitioner is on anticipatory bail and the record shows that she was asked to join the investigation. At this late stage, recovery of gold does not make any sense. At any rate, challan has been filed in the court and therefore it is not desirable to reject the prayer for the grant of anticipatory bail. At the same time, the matter will have to be looked from the angle of matrimonial dispute between the husband and the wife.

In that view of the matter, interim order dated 8.9.2015 is made absolute.

Disposed of.

[ **A.B. Chaudhari** ]  
**Judge**

September 26, 2016.  
*kadyan*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No