

Sr. No.208

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-1909 of 2016 (O&M)
Date of Decision: 12.05.2016

Amarjit Kaur

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. L.S.Sidhu, Advocate,
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

Mr. S.P.S.Sidhu, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.160 dated 27.12.2015, under Section 420/120-B of Indian Penal Code, registered at Police Station Kot Ise Khan, District Moga.

On 16.02.2016, the following order was passed by this Court:-

“FIR came to be registered on the complaint of Surinder Kumar raising allegations against Joginder Singh, Sarabjit Singh and the present petitioner i.e. wife of Sarabjit Singh that an amount of Rs.20 lacs was credited by way of RTGS in the joint bank account of

Joginder Singh and the present petitioner. Thereafter, such amount was withdrawn and not repaid to the complainant.

The prayer for concession of anticipatory bail to the petitioner has been vehemently opposed by the learned State counsel as also counsel appearing for the complainant by submitting that the credit of Rs.20 lacs and subsequent withdrawal thereof has already been admitted by all the accused and even in Panchayat proceedings, it had been agreed to repay the amount in three installments and yet the accused have resiled from such settlement. It has been stated on behalf of the complainant that there was a clear intent to cheat.

Be that as it may, it would be apposite to take note that a suit for recovery of the amount in question along with interest has already been instituted on behalf of the complainant against co-accused, Joginder Singh. That apart, three cheques stated to have been issued under the signatures of Sarabjit Singh i.e. husband of the present petitioner and the same having been dishonoured upon presentation, proceedings under the Negotiable Instruments Act also have been initiated.

It has also gone uncontroverted that Joginder Singh and Sarabjit Singh, co-accused were arrested and thereafter have been granted benefit of regular bail.

The present petitioner is stated to be a house wife.

List on 12.05.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join

investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Charanjit Singh apprises the Court that the petitioner has since joined investigation.

Even the contentions recorded and observations made by this Court on the previous date of hearing i.e. 16.02.2016 have gone unrebutted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 16.02.2016, passed by this Court, is made absolute.

Disposed of.

12.05.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**