

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

CRM-M-20376-2016 (O&M)

Date of decision : 07.11.2016

Shaminder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Saumya Ahluwalia, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Jagir Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure, in FIR No.320 dated 16.10.2014, registered under Sections 406, 420 and 120-B of the Indian Penal Code, at P.S. Zirakpur, Distt. SAS Nagar (Mohali).

Learned counsel contends that the petitioner has been implicated in the instant FIR only on account of her being the wife of co-accused Gurjit Singh, who has already been arrested. The parties are engaged in multiple litigation. Much prior to the registration of the instant FIR, the complainant party had issued a biana receipt on 10.06.2009, of Rupees six lacs (Annexure P-5). She also refers to Annexure P-8, the full and final settlement memo signed by the complainant.

On the other hand, learned State counsel, on instructions, states that though the petitioner has joined the investigation, but she is not

cooperating. She submits that the amount is yet to be recovered from the petitioner.

Heard.

From the perusal of Annexures P-2, P-3 and P-5 to P-8, it is discerned that the parties are engaged in civil dispute on account of their business relations. It is the consistent stand of the petitioner that the instant FIR is a counter blast to the abovesaid civil litigation in order to put pressure upon the petitioner herein. The husband of the petitioner, co-accused Gurjit Singh, is already stated to be in custody. The petitioner has repeatedly joined the investigation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 03.06.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

07.11.2016
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(JITENDRA CHAUHAN)
JUDGE

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