

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

Sr. No.201

CRM NO. M-31823 of 2016
DECIDED ON: December 19, 2016

CHARANJIT KAUR

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Anurag Arora, Advocate for
Mr. Gautam Dutt, Advocate,
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab,
for the respondent-State.

Mr. J.S. Thind, Advocate,
for the complainant.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner Charanjit Kaur has sought pre-arrest feeling apprehension of her arrest, in case bearing FIR No. 162, dated August 18, 2016, under Sections 420, 406, 465, 120-B of IPC, registered at Police Station Kapurthala City, District Kapurthala, during the pendency of trial.

At the time of issuance of notice of motion on September 09, 2016, following order was passed by this Court:

“Inter-alia, it has been contended by learned counsel for the petitioner that in the instant case, financial transaction, if any, relates to the year 2006. There may be certain transactions in between i.e. Gian Singh and Suba Singh (husband of the petitioner), who are real brothers. Gian Singh expired on January 12, 2015 but during the aforesaid period

CRM NO. M-31823 of 2016

of 9 years, no such demand was ever raised. After the demise of Gian Singh, his wife has lodged the instant case.

Notice of motion for 24.10.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.”

On instructions from ASI Joginder Singh, Learned State counsel has submitted that in compliance of order dated September 09, 2016 petitioner has already joined the investigation before the trial Court.

However, at this juncture, Mr. J.S. Thind, Advocate for the complainant has stated that petitioner has committed cheating and fraud with the complainant. However, a query was put to him during the course of arguments as to why the husband of the petitioner kept mum continuously for a period of approximately nine years and he did not initiate any counter criminal proceedings either at that time or subsequent thereto but he could not provide any satisfactory reply. Further, the cheque, if any, was bounced in the month of January, 2007.

Accordingly, order dated September 09, 2016 is made absolute and shall enure during the pendency of trial.

However, petitioner shall abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

December 19, 2016
Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No