

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-36432 of 2015 (O&M)
Date of Decision: 02.02.2016

Shanti Devi

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Mohan Sharma, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.199 dated 3.9.2015 under sections 420, 406, 465, 467, 468, 471, 474, 120-B I.P.C, registered at Police Station, Zirakpur, District Mohali.

Counsel for the petitioner would submit that the petitioner is a lady of advanced age and suffering from various health ailments. It is further contended that even as per allegations it is a civil dispute between the parties. It is further contended that after notice having been issued in the present petition even a compromise has been effected and the house in question i.e. House No.134, Mamta Enclave has since been transferred as per directions and wishes of the complainant.

On 26.11.2015, the following order was passed by this Court:-

“Notice of motion was issued in the case on 21.10.2015.

Let the petitioner join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating

Officer. He 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 himself 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.

To come up on 2.2.2016.”

Learned State counsel, who is on instructions from H.C. Sukhwinder Singh would apprise the Court that the petitioner has since joined investigation. State counsel would, however, contend that the I.O has no knowledge as regards any compromise/settlement that may have been effected.

The petitioner having joined investigation, her custodial interrogation would not be warranted. Accordingly, the present petition is allowed. The order dated 26.11.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.02.2016
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