

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-17142 of 2016 (O&M)

Date of Decision: 02.02.2017

Suman Bala

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Manish Dadwal, Advocate for the petitioner.

Mr. Varun Sharma, A.A.G., Punjab.

Mr. A.A. Pathak, Advocate for the complainant.

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.44 dated 30.04.2016 under sections 420 and 406 I.P.C, registered at Police Station, Amargarh, District Sangrur.

On 18.5.2016, while issuing notice of motion, the following order was passed by this Court:-

“The present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.44 dated 30.04.2016, under Sections 420/406 IPC, registered at Police Station Amargarh, District Sangrur.

Briefly noticed, FIR came to be registered on the complaint of one Nasar Ali with the accusations against the present petitioner of having been duped of a sum of Rs.10 lacs on the pretext of getting him employment in PUNSUP.

Counsel appearing for the petitioner would submit that an enquiry in the matter had been marked to Superintendent of Police, Malerkotla and in which the present petitioner had suffered a statement that there were property dealings between the parties and a sum of Rs.5 lacs is due and payable from the petitioner and to the complainant. Towards part satisfaction of such financial obligation, Rs.2 lacs already

stands made over and the balance amount of Rs.3.25 lacs (inclusive of interest on account of delay) is still to be made.

Counsel would fairly state that there was a delay in making the balance payment and on account of which false allegations have been levelled against the petitioner.

Mr. K.S. Dadwal, learned counsel for the petitioner undertakes to produce a demand draft of Rs.2 lacs drawn in the name of the complainant on the adjourned date.

Notice of motion, returnable for 30.05.2016.

To be shown in the urgent list.

Arrest of the petitioner shall remain stayed till the next date of hearing.

It has been made clear that in case the demand draft of Rs.2 lacs is not furnished on the adjourned date, the present petition shall stand dismissed.”

The order sheet would reveal that during the course of subsequent hearings an amounts of Rs.3.25 lacs has been furnished by the petitioner to the complainant.

The factum of Rs.3.25 lacs having been received is not disputed by counsel appearing for the complainant.

Version of the complainant is with regard to having been duped for a large sum of money on the pretext of getting him employment with PUNSUP. As opposed of such version, petitioner contends that there were certain property dealings between the parties and only because some money was due and payable, she has been falsely implicated.

In the facts and circumstances of the case, this Court is of the considered view that custodial interrogation of the petitioner, who is a lady would not be warranted. Accordingly, the present petition is allowed. The order dated 18.05.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.02.2017

lucky

Whether speaking/reasoned: Yes
Whether Reportable: No