

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

**Crl. Misc. No.M-26454 of 2018 (O&M)
Date of Decision: September 26, 2018**

Sudesh Kumari

.....PETITIONER(s).

VERSUS

Union Territory, Chandigarh

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jainaindra Saini, Advocate
for the petitioner (s).

Mr. Lalit K. Gupta, Advocate
APP for UT Chandigarh.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.57 dated 23.02.2018 registered for the offence punishable under Section 420 of Indian Penal Code, at Police Station Sector-19, Chandigarh.

Heard.

Learned State counsel on instructions from ASI Sawarn Singh submits that petitioner has joined the investigation but is not co-operating with the police.

The allegations against the petitioner are that she was paid money from time to time including ₹10 lakhs as RTGS by the complainant to send and settle him in Australia. The petitioner had also given a cheque of ₹49 lakhs in favour of complainant which on presentation, was dishonoured.

Learned State counsel submits that during investigation, Investigating Officer has observed that son of petitioner was having joint business with the complainant long time back. That partnership was later on dissolved.

The matter is still under investigation. However, one fact is clear that complainant is not a novice so far as the antecedents of petitioner are concerned. He was knowing the petitioner being mother of his partner. The police has yet to verify as to whether entire payment as alleged by the complainant was given for sending and settling him abroad.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 20.06.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make herself available for interrogation by the police 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 accusation against her 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.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

September 26, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No