

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

206

**CRM-M-5282-2019 (O&M)
Date of Decision : 25.2.2019**

Darshana Devi

....Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 47 dated 4.4.2018 registered under Sections 406/420 IPC at PS City Raikot, District Ludhiana Rural.

As per the FIR, the complainant gave a complainant against the petitioner on 8.12.2017. The complainant had alleged that she was the member of the committee which was run by the petitioner and the petitioner had to pay her a sum of Rs. 4,77,000/- but when she went to ask for money the petitioner fought with her, threatened to commit suicide, threatened to kill her and did not return the money. Counsel for the petitioner has accepted that the petitioner was running a committee but argued that some other members had stopped paying their installments and in that connection she had filed a complaint on 29.9.2017 and the fact of the matter is that till

such time the members made their due payments, the petitioner would not be able to give money from her own sources. Moreover, there was no mens rea on the part of the petitioner.

Learned DAG has argued that once the petitioner admits that money was due, anticipatory bail should not be granted.

Be that as it may, in my opinion, no useful purpose would be served by taking the petitioner in custody. In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. Resultantly, the petition is allowed. In the event of arrest of the petitioner, she shall be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 6.3.2019 and on any other date as and when her presence is required.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

25.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No