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

CRM-M-18415 of 2019

Date of decision: July 08, 2019

Rajinder Kumari and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aditya Dassaur, Advocate for the petitioners.

Mr. Saurav Khurana, DAG Punjab.

Mr. K.S. Mehta, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioners, in FIR No.0050 dated 07.04.2019, under Section 420 of Indian Penal Code, 1860, registered at Police Station City Nawanshahar (SBS Nagar), District SBS Nagar.

Mr. K.S. Mehta, Advocate appears, files *vakalatnama* on behalf of respondent No.2 and the same is taken on record.

Allegations against the petitioners are that they cheated the complainant by not executing the sale-deed.

On 29.04.2019, this Court has passed the following order:-

“Contends that petitioners are ready to return an amount of Rs. 5 lacs to the complainant within four weeks' from today and out of that, Rs.3 lacs shall be paid within one week.

Adjourned to 08.07.2019, for further consideration.

In the meanwhile, petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Contends that in terms of above order dated 29.04.2019, bankers

cheque bearing No.723024 dated 07.05.2019 in the sum of ₹3 lakhs and cheque bearing No.723030 dated 23.05.2019 in the sum of ₹2 lakhs in favour of respondent No.2-complainant have already been handed-over to the investigating officer on 10.06.2019 but the same were not accepted by the complainant.

Today, the above demand drafts were offered to learned counsel for respondent No.2-complainant, but he has also refused to accept the same. Consequently, let the demand drafts be returned to the petitioners forthwith.

Learned State counsel, on instructions from police official present in Court to assist him has submitted that the petitioners have joined investigation in terms of order dated 29.04.2019 and their custodial interrogation is not required.

In view of the above, order dated 29.04.2019 granting interim bail to the petitioners, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case. It is also clarified that offer of ₹5 lakhs will not prejudice the case of the petitioners pending before the trial Court.

(MAHABIR SINGH SINDHU)
JUDGE

July 08, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**