

CRM-M No.49220 of 2018

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

**CRM-M No. 49220 of 2018
Date of Decision: 19.03.2019**

Kiran Bala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Ms. Surinder Kaur, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of pre arrest bail to the petitioner in case FIR No.158 dated 28.05.2017, under Section 379 of the Indian Penal Code, 1860 (for short "IPC") (Sections 406 and 420 IPC added later on) registered at Police Station GRP, District Jalandhar.

While issuing notice of motion, this Court passed the following order on 06.11.2018:-

“The petitioner seeks concession of pre-arrest bail in FIR No.158 dated 28.05.2017 under Section 379 IPC and Sections 406, 420 IPC (added later on) registered at Police Station GRP, District Jalandhar.

FIR was registered in pursuance to a complaint dated 06.04.2017 on the allegations that the purse of the complainant was stolen on 01.04.2017 while travelling in a train. Further allegations were that the ATM Card, which was in the purse has been misused and purchases for an amount of Rs.46,500/- had been made.

Counsel argues that the petitioner is sought to be

CRM-M No.49220 of 2018

implicated on the statement of one Harish Gupta owner of Gupta General Store, who stated that the ATM card had been used by the accused-present petitioner for making purchases for the amount in question.

Counsel urges that the amount in question has been deposited back in the account of the complainant and in any case, the petitioner is ready and willing to join investigation. It is contended that the petitioner is a lady and under such circumstances her custodial interrogation would not be warranted.

Notice of motion returnable on 19.12.2018.

In the meanwhile, petitioner is directed to join investigation and in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Investigating Officer subject to the following conditions as enumerated under Section 438 (2) Cr.P.C.

- 1. she shall make herself available for interrogation by a police officer as and when required;*
- 2. she 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; and*
- 3. she shall not leave India without previous permission of the Court. ”*

Learned State Counsel, on instructions from ASI Amanjeet Singh has acknowledged that in terms of the previous order the petitioner has joined the investigation and her custodial interrogation is no longer required in this case.

In view of above, the interim order dated 06.11.2018 is made

CRM-M No.49220 of 2018

absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.
and the present petition stands disposed off.

19.03.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>