

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

Criminal Misc.-M No.15359 of 2020 (O&M)

Date of Decision: August 05, 2020

Shakuntla Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anil K. Sagar, Advocate,
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.465 dated 19.12.2019, under Sections 406, 420 and 120-B IPC, 1860, registered at Police Station, Zirakpur, District S.A.S.Nagar. The petitioner apprehended her arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.06.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The matter is taken up through video conference/WhatsApp [due to the pandemic COVID-19].

This is the first petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.465 dated 19.12.2019 registered under Sections 406, 420, 120-B IPC, 1860 at PS Zirakpur, District SAS Nagar. Notice of motion.

Though advance copy of the petition stands already served, Mr. Suveer Sheokhand, Addl. AG Punjab accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner submits that the co-accused has already been granted bail, though, Mr. Sheokhand says it was in a different context. However, I do not think that in the same transaction, one should be granted relief while the other denied. Parity should normally be maintained so as not to effect the liberty of the citizen till he suffers conviction, which stage we have not reached. I do not think this is a case for custodial interrogation by the police as proving offence as alleged would flow largely from documentary evidence, sale deeds and mutations etc. of the property in dispute.

List on 05.08.2020.

In the meanwhile, the petitioner shall appear before the Investigating Officer/Arresting Officer as and when required and shall fully cooperate in the investigation of this case. In the event of her arrest, the petitioner shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer. Petitioner shall comply with the conditions as stipulated in Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Balwinder Kumar, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail

granted by this Court vide order dated 17.06.2020 is made absolute.

Petition stands disposed off.

August 05, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No