IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17474-2020 (O&M)
Date of Decision:20.08.2020

Komalveer Kaur

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Naveen Batra, Advocate for the petitioner.

Mr. S.S. Deol, DAG, Punjab.

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TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in FIR No.36 dated 17.02.2020 under Section 420 IPC, registered at Police Station Model Town, District Hoshiarpur.

While issuing of notice of motion, the following order was passed by this Court on 13.07.2020:-

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in FIR No.36 dated 17.2.2020 registered under Section 420 I.P.C at

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Police Station, Model Town, District Hoshiarpur.

FIR has been registered on the statement of the complainant Rajesh Kumar, who alleges that cheques had been issued by the accused/petitioner and the same upon presentation have been dishonored.

On the last date of hearing i.e. 6.7.2020 a categoric stand had been taken on behalf of the State that a compromise had been effected between the parties and it is in pursuance thereof that the cheques in question had been issued. Accordingly, hearing had been deferred to today so as to enable the State counsel to make available for perusal of this Court the compromise deed that had been reduced in writing.

During the course of resumed hearing today learned State counsel on instructions from ASI Neeraj Kumar, Police Station, Model Town, Hoshiarpur submits that there was no compromise reduced in writing and which has been furnished to the investigating agency.

Learned State counsel is unable to respond to whether the complainant has initiated any proceedings under Section 138 of Negotiable Instruments Act till date.

This Court is of the prima facie view that against the backdrop of the allegations custodial interrogation of the petitioner would not be warranted as she otherwise is ready and willing to join investigation.

Notice of motion, returnable for 20.8.2020.

In the meanwhile, petitioner is directed to join

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investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C."

Learned State counsel upon instructions from SI Dilbagh Singh informs the Court that the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above petition is allowed. Order dated 13.07.2020 passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

August 20, 2020
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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