

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35634-2019

Date of Decision: 09.01.2020

Surinder Kaur

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dinesh Kumar, Advocate for
Mr. Rakesh Kumar, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Amandeep Singh Jawandha, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.138 dated 31.07.2019 under Section 420 IPC, registered at Police Station Dugri, Ludhiana. She apprehended her arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 29.08.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the FIR is regarding breach of agreement to sell dated 17.03.2016 and till date no civil suit has been filed. It is further pointed out that the mortgage of the land with the bank would not attract the offence punishable under Section 420 IPC as alleged in the FIR. According to him, the

custodial interrogation of the petitioner, who is a lady may not be necessary in the given facts.

Notice of motion for 09.01.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under 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 who is assisted by HC Gurmail Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Gurmail Singh 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 29.08.2019 is made absolute.

09.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No