

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

210

CRM-M-4121-2021

Date of Decision:02.09.2021

RANINDER KAUR AND ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Monty Goyal, Advocate for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners seek anticipatory bail in case FIR No.01 dated 06.01.2021, registered under Sections 420 and 406 of IPC, 1860, at Police Station Sadar Jagraon, District Ludhiana.

While granting interim protection to the petitioners on 31.03.2021, this Court passed the following order:-

“Learned counsel for the petitioners submits that the petitioners, who are husband and wife, have been falsely implicated in the instant FIR. It is, inter-alia, contended that there is no proof regarding the petitioners having demanded for such a sum as alleged in the FIR. It is argued that there is no evidence forthcoming as to how a sum of ₹ 4 lakhs have been handed over to the petitioners herein. Therefore, the petitioners deserve the concession of anticipatory bail.

While opposing the bail, learned counsel for the complainant would vehemently argue that the petitioners herein do not deserve anticipatory bail as an attempt has been made to defraud the complainant. A sum of ₹ 4 lakhs were handed over to the petitioners who had assured the complainant that they would settle the matrimonial dispute arising between the son of the complainant and his wife.

Learned counsel for the State would submit that the custodial interrogation of the petitioners would be required as the amount of ₹ 4 lakhs have to be recovered from the petitioners.

I have heard learned counsel for the parties and while taking into consideration the submissions of the parties, the petitioners are directed to deposit a sum of ₹4 lakhs by way of a Demand Draft in the name of the complainant with the Investigating Officer within one week from today. On their doing so, in the event of arrest the petitioners be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. It is further directed that the demand draft so deposited by the petitioners shall not be released to the complainant and the same shall be deposited in a FDR (in the name of the complainant) in a nationalized bank, and appropriate order regarding disbursal of the amount shall be passed by the trial court at the time of passing of the final order. Needless to say that in case the petitioners do not comply with the aforesaid direction, the interim bail granted to them shall stand vacated automatically.

Adjourned to 2.9.2021.”

Learned State counsel on instructions from ASI Surjit Singh, states that the petitioners have joined the investigation, they are no longer required for custodial interrogation and the petitioners are not involved in any other criminal case. Upon further instructions, he submits that the Demand Draft of Rs.4 lacs has been deposited by the petitioners with the Investigating Agency in compliance of order dated 31.03.2021.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 31.03.2021 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

02.09.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No