

**203 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-4002-2020

Date of Decision: 16.09.2021

SHABNAM AND ANOTHER

..... petitioners

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present :- Mr. Kulwinder S. Lakhanpal, Advocate
for the petitioners.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Mr. Arpan Sabharwal, Advocate
for the complainant.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.142 dated 01.11.2019, under Sections 406 and 420 IPC and Section 13 of Punjab Travel Professionals, Regulation Act, 2014 registered at Police Station Division No.7, Police Commissionerate, Jalandhar, District Jalandhar. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners have invited the attention of the Court to the order dated 06.02.2020, whereby, the interim protection was extended to the petitioners. The said order reads as under:-

“Mr. Arpan Sabharwal, Advocate has appeared and filed power of attorney on behalf of the complainant. The same is taken on record.

Heard.

Adjourned to 07.05.2020.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Learned counsel for the petitioners has argued that the petitioner No.1 has already filed a complaint against the brother of the complainant for the offence punishable under Section 138 of the Negotiable Instruments Act (Annexure P-2), pertaining to the cheque dated 15.07.2019 for an amount of Rs.8,50,000/- and the same is pending. According to him, the FIR has been registered as a counter-blast to falsely implicate petitioner No.1 and her husband. According to him, the petitioners have joined the investigation pursuant to the order dated 06.02.2020. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

The prayer is opposed by learned counsel for the complainant on the ground that petitioner No.2 is involved in three other cases of similar nature and the alleged cheque of Rs.8,50,000/- was misused by the them as the brother of the complainant had given blank cheques to the petitioners.

At this stage, learned counsel for the petitioners has argued that in other cases, the petitioners were also granted the concession of

pre-arrest bail and the said pendency of the cases have no bearing as far as the present allegations are concerned.

Learned State counsel assisted by ASI Mangat Singh has stated that the petitioners have joined the investigation and they are not required for custodial interrogation.

Considering the above, the petition is allowed and the interim bail granted to the petitioners by this Court vide order dated 06.02.2020 is made absolute.

16.09.2021

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(MANOJ BAJAJ)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No