

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203)

CRM-M-12268-2021

Date of decision: - 21.09.2021

Payal

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Atul Goyal, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioner is seeking anticipatory bail in FIR No.228 dated 31.12.2020, registered under Sections 420 and 120-B IPC and Section 24 of the Immigration Act, 1983, at Police Station Dugri, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court on 17.03.2021. Order dated 17.03.2021 is as under:

“This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.228 dated 31.12.2020 under Section 420, 120-B IPC and Section 24 of Immigration Act, 1983 registered at Police Station Commissionerate, Ludhiana.

Counsel for the petitioner would contend that she and her husband have wrongly been implicated in the FIR. In fact, the petitioner's husband had borrowed an amount from the complainant, who is none other than a financier. Loan amount of Rs.54,000/- was deposited in the bank account of the petitioner herein, for which a blank cheque had been issued as security. The said blank cheque has been misused by filling in an amount of Rs.6 lakhs in it. When the said cheque was presented, it dishonoured and the petitioner is facing proceedings under Section 138 of the Negotiable Instruments Act, 1881. He would further rely upon Annexure P-7, which is a complaint filed against the said complainant by other persons, who have alleged that the complainant is misusing the blank cheques given as security. It is also submitted that nothing has to be recovered from the petitioner and she is ready to join investigation.

Notice of motion.

Ms. Samina Dhir, DAG, Punjab, who is present in the Court, accepts notice for the respondent-State and opposes the grant of bail to the petitioner.

I have heard counsel for the parties.

The petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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.

Adjourned to 21.09.2021.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Balwinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and is not required for further investigation, at this stage.

In view of the above, the order dated 17.03.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 21, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No