

CRM-M-22118-2021

Date of Decision : 01.09.2021

Sharda Devi

...Petitioner

versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. B.S. Bajwa, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 0027 dated 12.05.2021, registered under Sections 409 and 120-B IPC at Police Station Mukandpur, District Shaheed Bhagat Singh, Nagar, Punjab.
3. On 03.06.2021, the following order was passed:-

“ This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Learned counsel for the petitioner inter alia submits that petitioner is sought to be falsely implicated in FIR No.27 dated 12.05.2021 under Section 409 and 120-B IPC, registered at Police Station Mukandpur, District SBS Nagar. Petitioner, it is stated, served as Sarpanch of village Sheikhpur from 2013 to 2018. In the inquiry, which was initiated against her, petitioner had sought certain documents, which were not even made available

to her thus rendering her unable to set forth her defence in a proper manner. Learned counsel submits that payment in question was received by the concerned persons through cheques and work carried out during petitioner's tenure, was verified by the Department. Moreover, custodial interrogation of the petitioner, it is submitted, is not required in the matter as relevant documents are in custody of the Department. Petitioner, it is submitted, is sought to be implicated due to political rivalry.

Notice of motion.

Mr. Sukhbeer Singh, Asst. A.G., Punjab, to whom an advance copy of the petition has been supplied, accepts notice on behalf of the respondent-State.

At request of learned counsel for the State, adjourned to 01.09.2021.

In the meanwhile, the petitioner shall join investigation as and when required by the Investigating Officer. In the event of her arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C."

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *SI Aseem Hans* confirms that pursuant to the order of this Court dated 03.06.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that her custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 03.06.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C.

However, nothing stated hereinabove shall be construed as an expression

of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

01.09.2021

“Rajneesh/Amit”

Whether speaking/ reasoned

Whether reportable

:

:

Yes/No

Yes/No

(B.S. Walia)

Judge