

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-22899 of 2021
Date of Decision : 31.08.2021

Bhawna

..Petitioner

Versus

State of Punjab

..Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anterpreet Singh, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

On 11.06.2021, the Co-ordinate Bench of this Court has passed
the following order:-

“This petition under Section 438 CrPC has been filed by petitioner-**Bhawna**, *inter alia*, praying for grant of anticipatory bail in case FIR No.167 dated 20.09.2020 under Sections 406/420/120-B IPC registered at PS Cantt. Jalandhar, District Jalandhar.

Learned counsel submits that the allegations in the FIR is that the petitioner along with other co-accused have cheated the complainant as they have sold the complainant's house to one Kulwinder Singh vide sale deed dated 30.07.2014. It is contended that firstly the petitioner took 8 years to file the present FIR and the delay is unexplained.

Secondly, the matter is purely of civil nature and the complainant ought to have filed the civil suit. Moreover, the petitioner has alleged that she is not party to the sale deed dated 30.07.2014 nor has witnessed the same and as such offences under Section 420/406 IPC are not made out against the petitioner.

Notice of motion.

On the asking, Mr. H S Sitta, AAG Punjab accepts notice through video conferencing.

Learned State counsel, on instructions, submits that in fact the petitioner's custodial interrogation is required. He submits that firstly, the petitioner sold sole property to two different persons by registering separate sale deeds in their favour. Secondly, the petitioner cheated the complainant twice as the petitioner subsequently sought to compromise the matter with the complainant by giving cheques of Rs.4 lakhs which too was dishonoured and as such the matter is certainly criminal in nature.

Faced with this, learned counsel for the petitioner submits that in order to show her *bona fide*, the petitioner would get an FDR made of Rs.4,80,000/- in her own name and deposit the same with the Investigating Officer and would not encash the same till the final decision in the case and shall abide by the final order to be passed by the trial Court.

Counsel for the petitioner submits that the petitioner is ready to join the investigation. He submits that because of COVID situation also, retention of the petitioner behind the bars would be dangerous to her life.

Without commenting upon the merits of the case and without recording any opinion, in the

peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer.

List on 31.08.2021.

Reply, if any, be filed meanwhile.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) CrPC.

In pursuance to the offer made by her counsel, the petitioner is directed to get an FDR made in her own name in the sum of Rs. 4,80,000 within 10 days and deposit the same with the Investigating Officer with an undertaking that he shall not encash the same till the final decision in the case. This shall be in addition to other bail bonds/surety that the Investigating Officer may require.”

Learned counsel for the petitioner submits that the petitioner has failed to comply with the conditions imposed upon him while granting the benefit of interim bail vide order dated 11.06.2021 of this Court.

Learned State counsel submits that the petitioner has not joined the investigation so far.

Keeping in view the fact that the petitioner has not availed the benefit granted to her vide order dated 11.06.2021 passed by the Coordinate Bench of this Court and has chosen not to comply with the same, which shows that the petitioner is not co-operating in the investigation,

hence, in view the allegations alleged against the petitioner in the FIR, the custodial interrogation of the petitioner is necessary.

No ground is made to allow the benefit of anticipatory bail to the petitioner in view of the facts noticed hereinbefore.

Dismissed.

August 31, 2021

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No