

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24642 of 2021
Date of decision: 13.08.2021

Aslemba Petitioner

Versus

State of UT Chandigarh Respondent

Coram: Hon'ble Mr. Justice B.S. Walia

Present : Mr. Gaurav Sharma, Advocate for the petitioner.
Mr. Charanjit Singh Bakshi, Addl. PP, UT, Chandigarh.

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.02 dated 05.04.2021 registered under Section 420 IPC at Police Station Vigilance, Chandigarh.

3. On 01.07.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.02 dated 5.4.2021 registered under Section 420, IPC at Police Station Vigilance, Chandigarh.

Learned counsel contends that the petitioner is an illiterate lady from south India and was regularized on the post of Beldar after a number of years of service vide memo dated 21.1.2010, that

at the time of joining service, she had given her date of birth as 5.10.1964 and the same was verified by the Principal Medical Officer, GMSH, Sector 16, Chandigarh. Likewise her Aadhar card, PAN Card and ID Card also have the same date of birth, thus, there is no concealment on the part of the petitioner. Learned Counsel further contends that the petitioner took premature retirement in the year 2019, but now she has been implicated in the instant case on a complaint made by one Ashwani Kumar working in Municipal Corporation Chandigarh on extraneous considerations. Learned Counsel contends that the petitioner is ready and willing to join investigation and to fully cooperate in the same.

Notice of motion.

Mr. Charanjit Singh Bakshi, learned Addl.PP, Chandigarh accepts notice on behalf of the respondent and requests for an adjournment to file reply.

Adjourned to 11.08.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to her furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated. ”

4. Today, learned counsel for the petitioner contends while learned State Counsel on instructions from *SI Gian Singh*, confirms that pursuant to the order of this Court dated 01.07.2021, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and her custodial interrogation is not required.

5. In view of the statement of learned State Counsel, order dated 01.07.2021, passed by this Court, is made absolute. The petitioner

shall continue to abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be deemed to be an expression of opinion on the merits of the case.

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

(B.S. Walia)
Judge

13.08.2021
'Rajneesh'

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