

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CRM-M-23436-2019

Date of decision: 01.10.2021

Shinder Kaur @ Surinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.S.Athwal, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Ankit Aggarwal, Advocate
for the complainant.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.27 dated 28.03.2019, registered for offence under Section 420 of the Indian Penal Code, 1860, at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar (Nawanshahr).

While granting interim protection to the petitioner, this Court passed the following orders on 03.07.2019:-

“Heard.

Notice of motion.

Mr. Arjun Sharma, Advocate, who is present in the Court, has put in appearance on behalf of complainant and filed power of attorney.

Learned counsel for the petitioner has given a cheque of Rs.1 lakh to learned counsel for the complainant. Learned counsel for complainant apprehends that this cheque may not be honoured.

List on 25.07.2019.

Keeping in view the fact that there was settlement between the parties to return the amount and a cheque of Rs.1 lakh has been handed over to learned counsel for the complainant, petitioner is directed to surrender before the police and join investigation within a week. In the event of her arrest being required, she shall be released on interim bail till the next date i.e. 25.07.2019 on her furnishing bonds to the satisfaction of Arresting Officer. However, she shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which she shall lose the benefit of interim bail allowed to her.

This interim bail shall be subject to clearance of cheque of Rs.1 lakh given by learned counsel for the

petitioner to counsel for the complainant. It is, however, made clear that in the event of cheque being dishonoured, order of interim bail shall not survive.”

On 25.07.2019, the following order was passed:-

“Learned State counsel on instructions from ASI Husan Lal submits that the petitioner has not joined the investigation.

Learned counsel for the petitioner submits that due to hip injury, petitioner could not join the investigation. However, she will join within the time allowed to her to join the investigation.

Learned counsel for the complainant submits that cheque given by the petitioner got dishonoured but the cash payment was made on the same day by the petitioner.

Learned counsel for the petitioner further submits that remaining payment will be made on or before 12.09.2019.

List on 01.10.2019.

Petitioner is directed to join the investigation within two weeks, failing which the investigating officer will be at liberty to arrest her and order dated 03.07.2019 allowing interim bail to petitioner shall be deemed as vacated.”

Perusal of the order sheets show that another sum of Rs.50,000/- was paid to the complainant on 01.10.2019.

Counsel for the complainant submits that the compromise between the parties was for return of Rs.2,40,000/- and out of which Rs.1,50,000/- has been paid to the complainant and the balance is still pending.

Counsel for the petitioner submits that the petitioner has surrendered and joined the proceedings in pursuance to the order dated 03.07.2019 and has been released on interim bail. He submits that the petition has become infructuous.

Dismissed as having been rendered infructuous.

(SUVIR SEHGAL)
JUDGE

01.10.2021
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No