

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28553-2020

Date of decision:19.01.2021

Rajwinder Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Abhiraj Singh Baweja, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

None for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.07 dated 19.08.2020 registered under Sections 406, 384, 420, 120-B IPC, at Police Station NRI, Moga.

On 18.09.2020, this Court passed the following order:-

“Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 07 dated 19.08.2020 registered under Sections 406, 384, 420, 120-B IPC, at Police Station NRI, Moga.

Learned counsel for the petitioner states that the petitioner along with her elder sister is residing with her widowed mother. The complainant in the present case, who is Non Resident Indian, is the first cousin of her mother. As per the allegations neither the petitioner has ever demanded any loan from the complainant nor did she ever promise to pay him back the same on any specific date and time. Rather, the complainant himself offered money to the mother of the petitioner saying that he had taken a loan from her deceased

husband, while going abroad.

Notice of motion.

On the asking of this Court, Mr. Harbir Sandhu, AAG Punjab, accepts notice on behalf of the respondent-State and Mr. H.S. Rakhara, Advocate, appears on behalf of the complainant. Both the counsel have not disputed the fact that the complainant is the first cousin of the mother of the petitioner. However, they had pointed out that the petitioner had borrowed money from the complainant at one pretext or the other.

Adjourned to 19.01.2021.

Meanwhile, the petitioner is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioner submits that pursuant to the order dated 18.09.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from Inspector Tejinder Singh, submits that the petitioner has joined the investigation and is not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 18.09.2020 passed by this Court granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

19.01.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No