

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM No. M-38033 of 2021

Date of Decision : 26.11.2021

Surinder Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 302 dated 29.07.2021 registered under Sections 403, 406, 424 and 506 of the IPC at Police Station Division No.5, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 14.09.2021 and has submitted a draft of Rs. 50,000/- with the bank authorities. Order dated 14.09.2021 is as under:-

“Present is the second petition filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.302 dated 29.07.2021 registered under Sections 403, 406, 424 and 506 of the IPC at Police Station Division No.5, District Ludhiana.

Learned counsel for the petitioner submits that the dispute in the present FIR is of non-refund of Rs.50,000/-, which was inadvertently deposited in the account of the petitioner and the petitioner is ready to deposit the said amount of Rs.50,000/- and she has already prepared the draft

of Rs.50,000/-, copy of which has been appended with the present petition as Annexure P/3. Learned counsel for the petitioner submits that the petitioner even went to the bank to deposit the said draft but, the same was not accepted by the bank authorities on the ground that the account number, to which the said draft is to be credited, has not been mentioned. Learned counsel for the petitioner further submits that it is the duty of the bank authorities to ascertain the account number from where the inadvertent transfer was made in the account of the petitioner and the same is to be deposited by the bank in the said account number after due verification at their own level. Learned counsel for the petitioner further submits that as the petitioner has already prepared the draft amounting to Rs.50,000/- and there is no intention of the petitioner to misappropriate the amount as being alleged in the FIR and the petitioner is also ready to join and cooperate in investigation, therefore, the petitioner be granted the concession of anticipatory bail.

Notice of motion for 26.11.2021.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that the allegation against the petitioner is of non-refund of Rs.50,000/-, which was inadvertently received by her in her bank account.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances noticed hereinbefore, especially, that the petitioner has already prepared the draft of Rs.50,000/- and she is also ready to join and cooperate in investigation, the petitioner has made out a case for the grant of anticipatory bail.

The petitioner is directed to join the investigation forthwith. In the event of her arrest, she shall be released on

interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That she shall make himself available for interrogation by the police officer as and when required.

(ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

The State Bank of India, Branch at New Court, Ludhiana is directed to accept the draft of Rs.50,000/- prepared by the petitioner and the same should be credited in the account from which the inadvertent transfer was made to the account of the petitioner so that the dispute comes to an end. It is further directed that before crediting the said amount, a due verification of the account where the said draft is to be deposited should be done by the bank and the amount be credited only when bank authorities are sure as to in which account the said amount is to be deposited. Investigating officer will ensure the deposit of the draft with the Bank authorities when petitioner come to join the investigation.”

Learned State counsel on instructions from ASI Jinder Kumar Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 14.09.2021 granting

interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 26, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No