

CRM-M-39213-2021

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

CRM-M-39213-2021

Date of decision: 03.12.2021

Jasbir Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. Onkar Singh Batalvi and Mr. Tarun Aggarwal, Advocates,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.102 dated 30.07.2021, registered at Police Station Division No.1, District Pathankot, under Sections 417 and 420 IPC.

Learned counsel for the petitioner contends that the complainant has no *locus standi* to get the above-noted FIR registered; that on account of pending civil and criminal litigation between the petitioner and the complainant, the above-noted false FIR had been got registered; that the case of the prosecution is based on documentary evidence and custodial interrogation of the petitioner is not required; that if the version contained in the FIR is taken to be correct, even then an offence under Section 193 IPC is made out, which is bailable.

On the other hand, learned State counsel, assisted by the

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learned counsel for the complainant, submits that the petitioner had stood surety in three cases (two cases under Negotiable Instruments Act and one case for releasing the case property on *sapurdari*) against one property; that the petitioner is even repeating the act of furnishing surety even as today whereas the property against whom the surety bonds were furnished, was purchased by her in 2013, but sold by her in 2019; that some dispute arose between the petitioner and the complainant with regard to the sale consideration following which the wife of the complainant had got registered FIR No.98 dated 26.07.2015, under Sections 420 and 34 IPC, Police Station Division No.1, against the petitioner and her husband; that cheque vide which the payment of sale consideration of Rs.13,50,000/- was made, had been got dishonoured and that litigation is pending between the petitioner and the complainant.

I have heard the learned counsel for the parties.

From the allegations contained in the FIR, it appears that the petitioner has deliberately and willfully involved herself in repeated offence of similar kind and thus, she cannot plead her false implication. It is settled law that any person has a right to set the criminal law in motion, if an offence is committed by the offender.

Keeping in view the nature and gravity of the offence, I do not find any merit in the present petition.

Dismissed.

03.12.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No