

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

209

**CRM-M No.40241 of 2020
Date of Decision:29.01.2021**

ARVINDER KAUR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.J.S.Gill, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl..A.G., Punjab.

Mr.J.S.Dhaliwal, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No. 15 dated 23.10.2020 under Sections 7, 13 (1) (a) read with Section 13 (2) of the Prevention of Corruption Act and Sections 409, 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Vigilance Bureau District Bathinda.

Petitioner was appointed on compassionate ground after the demise of her husband, who was working as Assistant Manager in the bank. The FIR has been registered on the

subject matter of alleged occurrence which took place in the year 2013 for which enquiry was conducted in the year 2017. FIR came to be registered only on 23.10.2020 for the offences in question.

Learned counsel for the petitioner submits that no objection was raised at any point of time either on 09.11.2013 or thereafter. The alleged part attributed to the petitioner is relatable to the complicity of the Manager Kulwinder Singh, who was arrested on 23.10.2020 and challan stands presented. The alleged attribution qua the petitioner is on account of dictate of Kulwinder Singh, Manager as he was in a dominant position. The complicity of the petitioner cannot be segregated from that of Kulwinder Singh, Manager, who has been granted regular bail vide order of the even date.

Learned counsel for the petitioner further submits that the amount has been duly credited in the loan account of Makhan Singh and receipts were duly issued. Minor cutting in Receipt No.099304 dated 09.11.2013 cannot be read to exaggerate the situation as the words written are only in the context of Rs.80,000/- and the alleged cutting in place of figure 1,00,000/- cannot be read in isolation

Per contra, learned State counsel, duly assisted by learned counsel for the complainant, submits that the petitioner

is responsible for the act in her individual capacity and no vicarious liability can be attracted.

Learned counsel for the complainant also pleads that the petitioner is having antecedent behaviour of criminal activity as she was involved in one more case.

In view of above, this petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 03.02.2021 at 11.00 am and in the event of her arrest, she shall be released on anticipatory bail on her furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner 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 him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country,

without prior permission of the Court and shall
surrender his passport, if any.

January 29, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No