

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

204

**CRM-M-51908-2019 (O&M)
Date of decision: 07.07.2021**

NEHA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. H.S.Multani, Asstt. A.G. Punjab
for the respondent-State.

Mr. R.S. Bajaj, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.100 dated 04.08.2019 registered under Sections 408 and 120-B IPC at Police Station Division No.7 Jalandhar.

Vide order dated 12.03.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.100 dated 04.08.2019 registered under Sections 408 and 120-B IPC at Police Station Division No.7 Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner is a simple housewife who was not involved in commission of the crime in any manner and the amount in question was credited to her account by her husband which has also been withdrawn by him. The petitioner can arrange return of amount of Rs.2

lakhs to the complainant if time is given for this purpose. The petitioner is ready to join the investigation.

On request case is adjourned to 13.05.2020 for arguments.

In the meanwhile, the petitioner is directed to join the investigation within ten days from the date of passing of this order. In the event of her arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by her to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which she shall not be entitled to the benefit of protection of interim bail allowed to her.

The petitioner shall also arrange to pay the amount of Rs.2 lakhs to the complainant on or before the next date of hearing through bank draft as undertaken.

In view of the fact that written complaint was made by Sukhjit Singh to police on 07.02.2019 but FIR was registered on 04.08.2019 and no effective steps appear to have been taken for arrest of co-accused Amit Arora, personal appearance of SHO Police Station Model Town, Jalandhar along with the relevant record is ordered for that date.”

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State or the complainant.

Learned counsel for respondent No.2-complainant has conceded that in compliance with order dated 12.03.2020, Bank draft for amount of Rs.2 lakhs was handed over to learned counsel for the respondent No.2-complainant.

I have heard learned Counsel for the petitioner, learned

State Counsel and learned counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made earlier, argued that in compliance with order dated 12.03.2020, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Vinay Kumar, acknowledged that in compliance with order dated 12.03.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 12.03.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

07.07.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No