

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-4489-2022

Date of Decision : March 23, 2022

Sukhwinder Kaur

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Neeraj Madaan, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Mr. A.S. Khosa, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.159 dated 29.10.2020 registered under Section 420 of the IPC, 1860 at Police Station Arniwala, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 03.02.2022. Order dated 03.02.2022 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.159 dated 29.10.2020 registered under Section 420 of the IPC, 1860 at Police Station Arniwala, District Fazilka.

Learned counsel for the petitioner submits that the

dispute has arisen keeping in view the marriage of the complainant with the son of the petitioner, who is residing in Australia. Learned counsel for the petitioner further submits that the petitioner never even attended the marriage of the complainant with his son as the same was performed without there being any knowledge of the same to the petitioner. Learned counsel for the petitioner further submits that a dispute has arisen between the complainant and son of the petitioner and now the petitioner has also been involved by making false allegations that a sum of Rs.6 lacs was given to her in cash in this case for which no corroborating evidence has come so far. Learned counsel for the petitioner further submits that initially, even the complaint filed by the complainant before the police raising for registration of an FIR under Sections 406 and 498-A of the IPC was considered and nothing substantial was found in the said complaint but later on, keeping in view the some pressure exerted by the complainant, the present FIR has been registered under Section 420 IPC. Learned counsel for the petitioner further submits that as the petitioner is ready to join the investigation and cooperate with the same, she may kindly be extended the concession of anticipatory bail.

Notice of motion.

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

Learned counsel for the respondent-State submits that as per the allegations, a sum of Rs. 6 lacs was paid in cash by the brother of the complainant to the petitioner though as of now, the same is only an allegation but no corroborating evidence has come on record so far. Learned counsel for the respondent-State concedes the factum that there is a matrimonial dispute between the complainant and the son of

the petitioner, who is residing in Australia.

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

Keeping in view the fact that there is a matrimonial dispute between the complainant and the son of the petitioner and even the said marriage was performed without there being any knowledge of the same to the petitioner and the allegation with regard to the payment of Rs.6 lacs in cash to the petitioner, is yet to be proved during trial coupled with the fact that the petitioner has undertaken before this Court to join the investigation and cooperate with the same, the petitioner has made out a case for the grant of anticipatory bail.

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 his/her satisfaction subject to the following conditions:

i) That she shall make herself 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 him 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.

Adjourned to 23.03.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, on instructions from ASI Pappu Ram, 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.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 03.02.2022 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

March 23, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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