

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

**CRM-M-4938-2022 (O&M)
Date of decision : 07.03.2022**

Vandana Sharma @ Bandana Sharma ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0212 dated 12.10.2021 under Sections 420, 417, 120-B of the Indian Penal Code, 1860 registered at Police Station Sujanpur, District Pathankot.

On 07.02.2022, the following order was passed:-

“Taken up in virtual mode.

This is a petition under section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0212 dated 12.10.2021 under Sections 420, 417, 120-B of the Indian Penal Code, 1860 registered at Police Station Sujanpur, District Pathankot.

Learned counsel for the petitioner would contend that a totally false and fabricated case has been set up in the FIR. It is further the contention that the agreement in

respect of the property in question was arrived at between the petitioner and Vijay Kumar on 20.01.2017 and since the said Vijay Kumar did not abide by the terms and conditions of the agreement the same came to an end on 14.08.2017 and qua the said agreement to sell no litigation is pending till date. Thereafter, the petitioner entered into an agreement to sell with the complainant on 30.03.2018. The learned counsel would further state that the petitioner is willing to execute the sale deed of the said property but instead the complainant has already instituted Civil Suit No.CS/845/2021 (Annexure P-5) and at the same time the present FIR has been lodged. The learned counsel has further stated that the co-accused i.e. the husband of the petitioner has since been granted anticipatory bail in CRM-M-3048-2022 vide order dated 28.01.2022. The learned counsel has further stated that the petitioner shall join the investigation as and when called for.

Notice of motion.

On the asking of the Court, Mr. H.S. Multani, AAG Punjab has joined the session through video conferencing and accepts notice on behalf of the respondent-State.

Learned State counsel seeks some time to file a status-report. He is, however, not in a position to deny that the similarly situated co-accused has already been granted anticipatory bail by this Court in CRM-M-3048-2022.

List on 07.03.2022.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall

abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner has contended that the petitioner has since joined the investigation and is fully co-operating.

Learned counsel for the State, on instructions from ASI Yashpal, has stated that the petitioner has since joined the investigation and that she is no longer required for further custodial interrogation as of now.

In view of the above, the order dated 07.02.2022 is made absolute. The petitioner shall, however, join the investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

(ALKA SARIN)
JUDGE

07.03.2022
Yogesh Sharma

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO