

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(223-2)

CRM-M-11176-2022

Date of decision: - 22.11.2022

Neha Singla and another

....Petitioners

Versus

State of Punjab

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Naveen Bawa, Advocate, for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Vivek Salathia, Advocate, for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.31 dated 04.02.2020, under Section 420 IPC (Sections 465, 467, 468, 471 and 120-B IPC have been added later on), at Police Station Division No.7, District Ludhiana.

On 16.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners inter alia contends that in the present case, as per the FIR, there is no specific allegation against the petitioners and after due investigation, challan was presented only against one person i.e. Manish Singla and thereafter, charges were also framed against Manish Singla and it is after a period of 1 year and 11 months that the present petitioners have been involved in the present case vide DDR dated 29.01.2022 and even as per the said DDR, there is no specific allegations against the present petitioners. It is submitted that petitioner No.2 has been implicated in the case on

account of being the wife of Manish Singla and petitioner No.1 has also been implicated in the case on account of being the wife of Sumit Singla. It is further pointed out that with respect to the dishonour of cheque also, complaint under Section 138 of the Negotiable Instruments Act, 1881 has been filed and the petitioners were not party to the same as they had not issued any cheque. It is further argued that no money has come into the account of the present petitioners. Further reference has been made to the FIR, as per which, specific allegations have been levelled against Manish Singla and Sumit Singla and not against the petitioners. It is contended that FIR has been registered after a substantial delay.

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and Mr. Vivek Salathia, Advocate appears on behalf of the complainant and seek time to get instructions.

Adjourned to 26.05.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned counsel for the complainant would be at liberty to place on record any document in order to show specific involvement of the present petitioners in the case.

To be heard alongwith CRM-M-24722-2021.

(VIKAS BAHL)
JUDGE

16.03.2022"

Learned counsel for the petitioners has submitted that in pursuance of the above-said order, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Sukhdev Singh, has submitted that the petitioners have joined the investigation and

are not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 16.03.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 16.03.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

November 22, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No