

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17580 of 2022
Date of Decision:-06.09.2022

Kiran Rastogi	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R. P. S. Brar, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,

Mr. S.K.Jain, Advocate, for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No. 285 dated 23.12.2021 under Sections 406, 420 and 120-B of Indian Penal Code at Police Station City Rajpura, District Patiala.
2. At the time of issuance of notice of motion on 28.04.2022, the following order was passed :

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.285 dated 23.12.2021, at Police Station City Rajpura, under Sections 406, 420 and 120-B of Indian Penal Code.

The FIR in question was lodged at the instance of B.S. Rawat, Factory Manager ‘M/s Escon Engineering Industries’, wherein it is alleged that he was into business of making copper terminal ends and that the petitioner as well as Ayush Rastogi approached him for purchasing copper terminal ends while representing that they were running a business under the name and style of ‘M/s Engineer Control and Switch Gears’. It is alleged that an order was placed through email on 5.11.2018 and 14.11.2018 and in respect of which the ordered goods were duly delivered on 16.11.2018 and 15.12.2018. It is alleged that full payment in respect of goods delivered was not made and that, as

such, the complainant had been cheated of huge amount.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case so as to pressurize her son, who is infact the sole Proprietor of 'M/s Engineer Control and Switch Gears'. It has been submitted that even if the allegations as levelled in the FIR are taken to be correct, the same at best would constitute a civil liability only.

Learned counsel has further submitted that the petitioner had infact been granted interim bail by the Trial Court but her petition came to be dismissed on the sole ground that some of the documents were not produced by the petitioner before the Investigating Officer, whereas infact some documents had been produced before the Court, when the matter was taken up for arguments. It has been submitted that the Trial Court, however, hurriedly proceeded to dismiss the petition.

Learned counsel submitted that the petitioner is willing to hand over all the relevant documents to the Investigating Officer and to fully cooperate with the investigation.

Notice of motion for 6.9.2022.

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

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation and is not required for any custodial interrogation. Learned State counsel has, however, also informed that the petitioner happens to be involved in some other cases as well.
4. Having heard the learned counsel for the parties and bearing in mind the facts and circumstances of the case and also that the petitioner has already joined investigation and is not required for any custodial interrogation, the

present petition is accepted and the interim directions issued by this Court vide order dated 28.04.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

06.09.2022
anil

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No