

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-19012-2022 (O&M)

Decided on : 15.12.2022

Kamlesh

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Vikram Singh, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 102 dated
22.02.2022 under Sections 420, 406, 467, 468, 471, 506 and 120-B IPC,
1860 registered at Police Station Rai, District Sonapat.

On 06.05.2022, this Court was pleased to pass the following
order:

*“Learned counsel for the petitioner inter alia contends
that the petitioner is a house wife and the agreement dated
05.03.2019 is with the husband of the petitioner and even
perusal of the FIR would show that the allegations with respect
to relationship, request of borrowing the amount, payment
made, are primarily levelled against the husband of the
petitioner. It is further submitted that the present case has civil
trappings and even in the civil suit filed by the complainant-
Vinod Kumar, the present petitioner has not been made as a
party. It is argued that the petitioner had signed the agreement*

on the asking of the husband. It is further argued that the petitioner is not involved in any other case.

Notice of motion for 19.07.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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.

The petitioner is directed to place on record the fully translated version of the agreements to sell (Annexures P-9 to P-11) and in case, the same is not done by the next date of hearing, then the interim order granted in favour of the petitioner would be liable to be vacated. ”

Subsequently, on 14.11.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that the petitioner has brought an amount of Rs.1,00,000/- with her and undertakes to pay the balance amount within a period of 30 days from today.

Learned counsel for the complainant has submitted that the petitioner be directed to deposit the said amount of Rs.1,00,000/- into the Bank account of the complainant, the details of which would be supplied during the course of the day.

Learned counsel for the petitioner has no objection to the said course of action.

Adjourned to 15.12.2022.

The petitioner is directed to deposit Rs.1,00,000/- in the account of the complainant within a period of five days from today. She is also directed to bring a demand draft of Rs.2,00,000/- in the name of the complainant on the next date of hearing.

It is made clear that the present is the last opportunity, failing which, the interim relief granted in favour of the petitioner would be liable to be vacated.

Interim order to continue.

A photocopy of this order be placed on the file of connected case. ”

Learned counsel for the petitioner has submitted that in compliance to the order dated 14.11.2022, the Demand Draft of Rs.2,00,000/- has been handed over to the counsel for the complainant today in the Court today and the amount of Rs.1,00,000/- has been deposited in the account of the complainant.

Learned counsel for the complainant has reiterated the abovesaid facts and has submitted that the Demand Draft will be handed over to the complainant.

Learned counsel for the petitioner has further submitted that the in pursuance of the abovesaid order dated 06.05.2022, the petitioner has joined the investigation.

Learned counsel for the State has submitted that the petitioner has joined the investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 06.05.2022 and 14.11.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 06.05.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

Pending miscellaneous applications, if any, shall stand disposed of with the above-said order.

15.12.2022

(VIKAS BAHL)
JUDGE

Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No