

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(240)

CRM-M-42968-2021

Date of Decision : January 12, 2022

Hemlata Sharma

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. M.M. Pandey, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.574 dated 30.10.2020 under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 26.11.2021. Order dated 26.11.2021 is as under:-

“This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been moved by petitioner in case FIR No.574 dated 30.10.2020 under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station City Palwal, District Palwal.

Status report dated 23.11.2021 by way of affidavit of Yashpal Singh, HPS, Deputy Superintendent of Police, along

with Annexures R/1 to R/3, already filed on behalf of respondent-State, is taken on record.

Learned counsel for the petitioner inter alia contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges that as a matter of fact, loan amount has already been repaid to Punjab National Bank, Baghpat, and to this effect, No Dues Certificate (NDC) dated 06.03.2021 (Annexure P/2) was issued by the Bank concerned. He further urges that Bank is ready to return the security documents pertaining to complainant-Geeta Rani Garg, as is evident from letter dated 16.11.2021 (Annexure R/2). He further submits that petitioner is ready to join investigation as and when called upon to do so by the Investigating Agency.

In view of above, as in terms of No Dues Certificate (NDC) dated 06.03.2021 (Annexure P/2) loan has already been settled in One Time Settlement (OTS) in full and final and the Bank concerned has also given in writing that the documents pertaining to complainant-Geeta Rani, which were given at the time of creating equitable mortgage, these documents can be collected from the Bank concerned, in this scenario, Investigating Officer shall make earnest and sincere efforts to get the above said documents released in favour of complainant-Geeta Rani Garg, as and when she visits the Punjab National Bank, Branch Baghpat.

Adjourned to 12.01.2022.

Compliance report by respondent-State be filed with the Registry of this Court well before the date fixed with copy in advance to learned counsel for petitioner.

Meanwhile, in the eventuality of arrest of petitioner in the instant case FIR, she shall be enlarged on interim bail subject to her furnishing personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. Petitioner shall join investigation on 01.12.2021 at 10:00 AM

sharp before Investigating Officer and that too in the presence of Lady Police Officer in Police Station City Palwal, District Palwal, and on any other subsequent date as informed to her by the Investigating Officer. Petitioner shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.”

Learned State counsel, on instructions from Inspector Satya Narayan, states that in terms of the order passed by the Coordinate Bench 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 26.11.2021 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.

January 12, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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