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

CRM-M-42975-2022

Date of decision : 06.12.2022

Manjit Kaur and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Barjinder Singh, Advocate for
Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.21 dated 11.01.2022 registered under Sections 420, 379-B, 120-B, 468, 471, 473 of the Indian Penal Code, 1860 (Sections 468, 471, 473 of IPC have been added later on) at Police Station Zirakpur, District SAS Nagar (Mohali).

On 19.09.2022, this Court had passed the following order:-

“Learned counsel for the petitioners inter alia contends that neither the petitioners are named in the FIR nor any role has been attributed to them and they have been implicated on the ground that Harpal Singh, who is the husband of petitioner No.1 and brother-in-law of petitioner

No.3, was also one of the persons who had duped the complainant. It is further submitted that Harpal Singh has already been granted the concession of regular bail by this Court.

Notice of motion for 03.11.2022.

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 petitioners has submitted that in pursuance of the abovesaid order dated 19.09.2022, the petitioners have joined the investigation.

Learned counsel for the State, on instructions from ASI Harnek Singh, has submitted that although the petitioners have joined the investigation but the recovery of money is yet to be effected.

Learned counsel for the petitioners, in rebuttal, has submitted that neither the petitioners are named in the FIR nor any role has been attributed to them and they have been implicated only on the ground that accused Harpal Singh is related to the petitioners inasmuch as he is the husband of petitioner No.1 and brother-in-law of petitioner No.3 and the said Harpal Singh has been granted the concession of regular bail by this Court. It is further submitted that the registration of FIR cannot be made the basis for recovery of money.

Keeping in view the abovesaid facts and circumstances

moreso, the facts which have been noticed in abovesaid order dated 19.09.2022 and also the fact that the petitioners have joined the investigation, the present petition is allowed and the interim order dated 19.09.2022 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.

06.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**