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

CRM-M-44372-2022

Date of decision : 29.10.2022

Pushwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sukhjot Singh, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.139 dated 25.08.2022 registered under Sections 408 and 420 of the Indian Penal Code, 1860 at Police Station City-2 Khanna, District Ludhiana.

On 27.09.2022, this Court had passed the following order:-

“Inter alia, contends that in the present case, the earlier complaint dated 19.10.2021 (Annexure P-2) was also given by the complainant against the petitioner and in the said case, an enquiry was carried out and in the enquiry report dated 15.01.2022 (Annexure P-3), it was observed that the complainant could not produce on record any evidence to substantiate the allegations levelled in the said complaint. It is further contended that on the second

complaint given by the complainant against the petitioner on the same set of allegations, the present FIR has been registered. It is stated that the payments in question are with respect to the time period ranging between 2017 and 2021 and thus, gives rise to a civil dispute. It is also stated that the alleged letter signed by the petitioner was signed under coercion and pressure. It is submitted that the petitioner, in order to show her bona fide, is ready to pay an amount of Rs.1,00,000/- to the complainant, without admitting her liability.

Notice of motion for 13.10.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her 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 prepare a demand draft of Rs.1,00,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of 10 days from today, who shall further handover the same to the said complainant. It is made clear that in case, the demand draft of Rs.1,00,000/- is not given to the Investigating Officer, prepared in the name of the said complainant, within a period of 10 days from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the abovesaid amount of Rs.1,00,000/- would not be construed as an admission of guilt by the petitioner.”

Learned counsel for the petitioner has submitted that in

pursuance of the abovesaid order dated 27.09.2022, the petitioner has joined the investigation and has also handed over the demand draft amounting to Rs.1,00,000/- to the concerned Investigating Officer.

Learned counsel for the State, on instructions from ASI Charanjeet Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. It is further submitted that the petitioner has also handed over the abovesaid demand draft to the Investigating Officer and Investigating Officer has further handed over the same to the complainant after taking receipt from the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 27.09.2022 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 27.09.2022 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.

29.10.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**