

206 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48808-2021
Date of Decision: 28.01.2022

Amandeep Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Impinder Singh Dhaliwal, Advocate, for
Mr. Gurinder Singh Hayer, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. B.R. Rana I, Advocate, for the complainant.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No 165, dated 14.10.2021, under Sections 420, 465, 468, 471 and 120-B of the IPC, registered at Police Station Sidhwan Bet, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 23.11.2021, passed by this Court, which is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.165 dated 14.10.2021 registered under Sections 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Sidhwan Bet, District Ludhiana.

Learned counsel for the petitioner submits that present allegations, which have been alleged against the petitioner, are outcome of the matrimonial discord between the petitioner as well as the complainant, who are husband and wife. Learned counsel for

the petitioner further submits that the allegation that the matriculation certificate of the petitioner was supplied to the complainant at the time of the marriage, is totally false and the allegations against the petitioner as mentioned in the FIR are yet to be proved during the trial, the petitioner, who is ready to associate herself with the enquiry, be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that 8th standard certificate purported to be in the name of the petitioner, which has been got verified from the Punjab School Education Board, has been found to be forged one and therefore, the custodial interrogation of the petitioner is necessary to find out the truth behind the allegations.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations, which have been alleged against the petitioner are yet to be proved during the trial. It is also yet to be proved whether, the said forged certificate was ever supplied by the petitioner to the complainant or not. As nothing is to be recovered from the petitioner, the purpose of investigation will be achieved in case, the petitioner is directed to join the investigation and cooperate with the same.

Petitioner is directed to join the investigation forthwith.

In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That she shall make herself available for interrogation by the police officer as and when required.

(ii) That she shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conferencing, on instructions from SI Jarnail Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation 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 23.11.2021 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.

At this stage, learned counsel appearing on behalf of the complainant submits that there is likelihood that the parties might amicably settle their dispute, therefore, they may kindly be send to the Mediation and

Conciliation Centre of this Court for the said purpose.

Learned counsel for the petitioner does not oppose the said request made on behalf of the complainant.

Though the present petition is already disposed of by confirming the interim order dated 23.11.2021, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 15.02.2022.

28.01.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes
2. Whether reportable: No