

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

202

CRM-M-50086 of 2021 (O&M)

Date of Decision: 08.02.2022

Balwinder Kaur

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab

Mr. Akashdeep Singh Mann, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 01.12.2021 the following order had been passed by this court:-

“Case heard by video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.134, dated 21.05.2021, having been registered at Police Station City Phagwara, District Kapurthala, alleging therein the commission of an offence punishable under Section 420 of the IPC.

This is the second petition filed by the petitioner seeking the concession of anticipatory bail, the first one, i.e. CRM-M-25233-2021, having been dismissed on 22.11.2021 by this Court.

Mr. Puri submits that the petitioner has now got executed a

demand draft for an amount of Rs.3 lakhs, favouring respondent no.2, i.e.Sukhdeep Singh.

That being so, notice of motion is issued with Mr.Rana Harjasdeep Singh, DAG Punjab, accepting notice on behalf of respondent State and Mr.Akash Mann, Advocate, appearing and accepting notice on behalf of respondent no.2.

The demand draft be given to learned counsel for respondent no.2 by learned counsel for the petitioner today itself, with a receipt to be issued by learned counsel for respondent no.2 to that effect.

Upon that receipt being produced before the learned Area Magistrate concerned, the petitioner would be admitted to interim bail on her furnishing bail/surety bonds to the satisfaction of that Court, till the next date of hearing before this Court. Adjourned to 22.12.2021.”

Thereafter, on December 22, 2021 the following order had been passed by this court:-

CRM-43596-2021

Vide this application, the applicant-petitioner seeks to place on record a letter dated 01.12.2021, a demand draft dated 24.11.2021 and an undertaking dated 13.12.2021, in view of the fact that vide the order dated 01.12.2021, this court had directed that the demand draft (for an amount of Rs. 3,00,000/-), be given to counsel for respondent no. 2 by counsel for the petitioner on that date itself, with a receipt to be issued by counsel for respondent no. 2 to that effect; and upon such receipt being produced before the learned Area Magistrate concerned, the petitioner would be admitted to interim bail on her furnishing bail and surety bonds to the satisfaction of that court.

Mr. Puri submits that though the said documents were produced before the learned Area Magistrate, however, the petitioner was not admitted to bail on the ground that the original 'undertaking' dated

13.12.2021 [as given on the photocopy of the demand draft itself (copy Annexure A-2)], did not carrying the signatures of the counsel.

That of course is seen to be correct.

Be that as it may, counsel for respondent no. 2 submits that a demand draft has been received by the said respondent.

That being so, the application is allowed, with the copies of the aforesaid covering letter, the undertaking and the demand draft, ordered to be taken on record as Annexures P-8 to P-10 with the accompanying petition.

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By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 134 having been registered at Police Station City Phagwara, District Kapurthala, on 21.05.2021, alleging therein the commission of an offence punishable under the provisions of Section 420 of the IPC.

In view of the above, the petitioner would now be admitted to interim bail by the learned Area Magistrate concerned upon her furnishing adequate bail bonds and surety bonds to the satisfaction of that court, till the next date of hearing before this court.

Adjourned to 25.01.2022.”

Today Mr. Akashdeep Singh Mann, learned counsel appearing for respondent no.2, submits that the money owed by the petitioner to respondent no.2 has been received by the said respondent and that therefore he has no grievance left with her.

Though Mr. Puri submits that a formal compromise needs to be drawn up and in that context he draws attention of this court to the order passed in the previous petition filed by the petitioner, wherein learned senior counsel appearing for respondent no.2 had stated that the matter would be compromised

between them, obviously that is not the scope of this petition and this court is not going into that matter, with the parties always at liberty to draw up any compromise that they wish to.

In view of the statement made by learned counsel for respondent no.2, the petition is allowed, with the order dated 01.12.2021 made absolute.

CRM-43598 of 2021

This application seeking that the petitioner be admitted to interim bail, has been rendered infructuous and is disposed of as such.

February 08, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No