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

CRM-M-46576-2022

Date of decision : 06.12.2022

Sandeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vipin Kumar, Advocate for
Mr. Ravi Malhotra, 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.229 dated 05.12.2020, under Sections 420, 465, 467, 468 and 471 of Indian Penal Code, 1860, registered at Police Station Cantonment, District Police Commissionerate Amritsar .

On 06.10.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition is for seeking concession of grant of anticipatory bail to the petitioner in FIR No.229 dated 05.12.2020, under Sections 420, 465,467,468 and 471 IPC, registered at Police Station Cantonment, District Police Commissionerate Amritsar.

Counsel for the petitioner inter alia contends that the

document alleged to be tampered was submitted by him only for translation after almost 20 years and in the translation an error have cropped up with regard to the marks in the 3rd year B.Sc., Part-III detailed mark-sheet. Subsequently, the said mark-sheet has been cancelled against which the petitioner has already approached this Court by filing CWP-11776-2021, which is pending before this Court. However, in the meantime, the respondent/University has got the present FIR registered.

Notice of motion.

On the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of the State and submits that the counsel had made a statement in the previous writ i.e. CWP-5676-2020 to place on record the DDR in the fresh writ petition, which fact is not clarified.

Counsel for the petitioner has stated that the DDR has been placed on the record of the writ petition and hence this objection cannot be sustained.

Be that as it may, the entire issue is based on documentary evidence and the custodial interrogation of the petitioner is not required and the petitioner is ready to join the investigation.

Adjourned to 06.12.2022.

In the meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Sd/-(ALOK JAIN)

JUDGE

06.10.2022”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 06.10.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Dimple Kumar, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 06.10.2022 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 06.10.2022 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**