

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

204

CRM-M-51072-2021

Decided on : 08.02.2022

Sarabjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR bearing No. 236
dated 28.10.2021 under Sections 457, 380, 461 and 427 of IPC, 1860
registered at Police Station 'B' Division Jalandhar, District Jalandhar.

On 07.12.2021, this Court was pleased to pass the following
order:-

*“Learned counsel for the petitioner inter alia
contends that the allegations made against the petitioner are
that as per the disclosure statement of her husband namely
Jagat Narain @ Kaka Kunda, an amount of Rs.1 lac was
deposited in the account of the petitioner. He has further
submitted on instructions from the petitioner that the
petitioner without admitting her liability is ready to pay an
amount of Rs.1 lac to the concerned Investigating Officer.*

Notice of motion.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 24.01.2022

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 pay an amount of Rs.1 lac to the concerned Investigating Officer who is further directed to deposit the same with the concerned bank. The said payment be made by the petitioner to the concerned Investigating Officer within a period of four weeks from today.

It is made clear that in case, the amount of Rs.1 lac is not deposited within a period of 4 weeks from today, then the present petition would be deemed to have been dismissed. ”

Learned counsel for the petitioner has submitted that in compliance with the abovesaid order, the petitioner has not deposited the amount of Rs.1,00,000/- with the concerned Investigating Officer nor is ready to comply with the said undertaking.

Learned State counsel has submitted that apart from the fact that the order dated 07.12.2021 has not been complied with, the petitioner has also not joined the investigation.

This Court has heard the learned counsel for the parties and has perused the paperbook.

The FIR in the present case was registered on the complaint of Jatin Kumar who has stated that on 27/28.10.2021 at about 2:00/2:30 AM some unknown persons had entered into the ATM and had cut the ATM machine and has stolen four cassettes which contained Rs.17,00,000/- in them. During investigation, it was found that Jagat Narain @ Kaka Kunda and the present petitioner were also found involved in the said incident. It was also found that Rs.1,00,000/- cash was also given by said Jagat Narain @ Kaka Kunda to the present petitioner.

Keeping in view the specific allegations against the present petitioner and also the non compliance of the order dated 07.12.2021 and also non joining of investigation, the present petition for anticipatory bail is dismissed.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

February 8th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No