

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

215

CRM-M-51696-2021 (O&M)

Date of decision: 21.04.2022

KAMLA DEVI

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioner

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.150 dated 10.08.2021, registered under Sections 417, 418, 420, 421, 422, 423 and 424 IPC, at Police Station Shahpur Kandi, District Pathankot.

Learned counsel for the petitioner submits that Balwant Singh (husband of the petitioner), had already paid the entire due amount to the Bank and accordingly, No Objection Certificate (NOC) dated 06.07.2016 (Annexure P-3) had been issued by the Bank; that the transfer of the property in the name of the petitioner, is as per law; that the mutation has also been sanctioned in the name of the petitioner by the Revenue Authorities and that co-accused, namely, Balwant Singh has already been granted the concession of regular bail by the learned Chief Judicial Magistrate, Pathankot.

On 23.03.2022, the learned State counsel sought time to take

instructions regarding the payment made by the husband of the petitioner to the Bank, if any.

Today, learned State counsel on the instructions from ASI Chamba Singh submits that, after inquiry and verification, it has been found that the husband of the petitioner had already paid the entire due amount to the bank and NOC was also issued in favour of Balwant Singh (husband of the petitioner). He further submits that statement of Manager of the concerned bank was also recorded with regard to the issuance of the NOC.

I have heard the learned counsel for the parties.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if she is sought to be arrested, she shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be at liberty to move an appropriate application for cancellation of bail.

21.04.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No