

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM No. M-52373 of 2021
Date of Decision : 01.02.2022

Onkar Singh and another

...Petitioners

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.P. Dhir, Advocate for petitioner No. 2.

(Petition qua petitioner No. 1 has infructuous vide order dated 15.12.2021)

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Naveen Batra, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner No. 2 is seeking anticipatory bail in FIR No. 197 dated 30.11.2021, registered under Sections 406 and 420 IPC at Police Station Haryana, District Hoshiarpur.

Learned counsel for petitioner No. 2 contends that the petitioner No. 2 has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 15.12.2021. Order dated 15.12.2021 is as under:-

“Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been moved by petitioners-Onkar Singh and Kamaljit Kaur in case FIR No.197 dated 30.11.2021 under Sections 406 and 420 IPC, registered at Police Station Haryana, District Hoshiarpur.

Learned counsel for the petitioners at the very outset submits that petitioner-Onkar Singh expired on 13.12.2021 and as such petition filed qua petitioner-Onkar Singh has become infructuous.

Learned counsel for the petitioners inter alia contends that version, as alleged in the FIR, is concocted one and there is no iota of truth therein. He further urges that petitioner-Kamaljit Kaur was not party to any transaction between complainant-Balvir Singh and Onkar Singh (since deceased). He further urges that though petitioner-Kamaljit Kaur has no nexus whatsoever with the alleged offence, she is ready to pay a sum of Rs.1,00,000/- at the first instance in favour of complainant-Balvir Singh and the said amount by way of demand draft would be paid to him (Balvir Singh) within one week positively. He further submits that petitioner-Kamaljit Kaur is ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Additional Advocate General, Punjab, accepts notice on behalf of respondent-State and seeks time to file status report. At this juncture, Mr. Naveen Batra, Advocate has put in appearance on behalf of complainant. Complete copies of paper book be supplied to them during course of the day.

Adjourned to 01.02.2022.

Petitioner-Kamaljit Kaur is directed to hand over the demand draft of Rs.1,00,000/- favouring complainant-Balvir Singh to the Investigating Officer, who in turn shall hand over

the said demand draft to complainant-Balvir Singh against valid receipt. Abovesaid compliance is required to be made within one week positively.

*Meanwhile, in the eventuality of arrest of petitioner-**Kamaljit Kaur** in the instant case FIR, she shall be enlarged on interim bail subject to her furnishing personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. Petitioner-**Kamaljit Kaur** shall join investigation on 22.12.2021 at 10:00 AM sharp before Investigating Officer and that too in the presence of Lady Police Officer in Police Station Haryana, District Hoshiarpur, and on any other subsequent date as informed to her by the Investigating Officer. Petitioner-**Kamaljit Kaur** shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.*

Status report by respondent-State be filed with the Registry of this Court well before the date fixed with copy in advance to learned counsel for petitioner.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Sohan Lal states that in terms of the order of a Co-ordinate Bench of this Court reproduced before, petitioner No. 2 has joined the investigation in pursuance to the order dated 15.12.2021 and has also complied with the same and no further interrogation of petitioner No. 2 is required at this stage.

In view of the above, the order dated 15.12.2021 granting interim bail to petitioner No. 2 is made absolute.

However, petitioner No. 2 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 No. 2 is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 01, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No