

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

202/2

CRM-M-4475-2022

Date of Decision: 01.06.2023

Sukhwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Ritesh Pandey, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab  
(assisted by ASI Palwinder Singh)

Mr. Vipin Mahajan, Advocate for the complainant

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**JAGMOHAN BANSAL, J. (ORAL)**

1. On 03.02.2022, the following order was passed:-

*“Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.116 dated 30.12.2021 under Sections 420 and 494 IPC, 1860 registered at Police Station Rangar Nangal District Batala.*

*Learned counsel submits that it was on account of a marital discord between the complainant and her husband that the FIR in question came to be registered. While drawing the attention of this Court to the allegations levelled in the FIR in question, learned counsel for the petitioner submits that the complainant had levelled false allegations against her husband of having solemnized marriage with the petitioner. He submits that there was no evidence on record to corroborate the factum of petitioner having solemnized marriage with the complainant's husband and even*

*assuming for the sake of arguments, though the submissions are otherwise, that some offence had indeed been committed, then it was the husband of the complainant and not the petitioner, who could be held liable for the commission of any offence. He further submits that the offence under Section 494 IPC is a non-cognizable offence, which is triable by the Magistrate and the complainant just to unnecessarily harass the petitioner, had fabricated a story that she had given Rs.2.5 lakhs to the petitioner on her promise of providing the complainant a job, merely to bring the case within the ambit of Section 420 IPC, which is a cognizable offence.*

*Notice of motion for 27.07.2022.*

*Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”*

2. Learned State counsel, on instructions from ASI Palwinder Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

3. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated

03.02.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioner or her family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)  
JUDGE

01.06.2023  
Mohit Kumar

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |