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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8817 of 2023 (O&M)
DECIDED ON: 18th DECEMBER, 2023

MANPREET KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Anurag Chopra, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1. On 27.02.2023 the following order was passed:-

“The prayer is for grant of anticipatory bail to the petitioner in case FIR No.262 dated 23.12.2022, under Sections 420 & 120-B IPC, registered at Police Station City Jagraon, District Ludhiana.

Learned counsel for the petitioner inter alia contends that the share of the petitioner was Rs.2.5 lakhs and she returned the same to the complainant and to this effect there is video recording also which will be shared on the next date of hearing.

Counsel appearing on behalf of the complainant submits that actually amount of Rs.5 lakhs was paid to the petitioner through L RTGS while another Rs.5 lakhs were paid in cash to the petitioner by the complainant and till date nothing has been repaid by the petitioner and that there is no such video as has been stated by the counsel for the petitioner.

Faced with this situation, the counsel appearing on behalf of the petitioner submits that he is ready to deposit Rs.1 Lac in the Court concerned to show his bona fide but the same will not prejudice the defence of the petitioner.

In the light of the above, the petitioner is hereby directed to join investigation with the police and in case of arrest, she is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C, further subject to deposit of Rs.2 Lakhs by the petitioner in the Court of Illaqa Magistrate concerned within four weeks which will be subject to final decision in the trial.

Now be listed on 02.05.2023”

2. Learned State counsel on instructions from ASI Tarsem Singh has stated that pursuant to the order dated 27.02.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 27.02.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Petition stands disposed off.
9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

18.12.2023
mahima

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No