

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

(205)

CRM-M-18007-2023

Date of decision: - 04.07.2023

Vandana Rathore

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mohammad Arshad, Advocate,
for the petitioner.

Mr. Sanjeev Soni, Additional Advocate General, Punjab.

Mr. Sunny K. Singla, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

1. This is the second petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.84 dated 01.06.2022, registered under Sections 406, 420 and 120-B IPC, at Police Station City Khanna, District Ludhiana.
2. On 18.05.2023, this Court was pleased to pass the following order:-

“Inter alia contends that the dispute in the present case is a civil dispute and it is the husband of the petitioner who is running the firm although, the same was in the name of the present petitioner. It is further submitted that the husband of the petitioner has already given a draft amounting to Rs.9 lacs to the complainant party and the petitioner in order to show her bona fide, is ready to give a demand draft amounting to Rs.50,000/- over and above the amount of Rs.9

lacs which has already been paid by the husband of the petitioner to the complainant without admitting her liability. It is further contended that the said demand draft of Rs.50,000/- would be paid by the petitioner to the complainant on the next date of hearing.

Notice of motion for 04.07.2023.

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.

It is made clear that in case, the petitioner does not bring the demand draft amounting to Rs.50,000/- prepared in the name of complainant then the interim relief granted in favour of the petitioner would be liable to be vacated and the main petition would be dismissed.

The payment of the amount of Rs.50,000/- would not be construed as an admission of guilt by the petitioner.

18.05.2023

**(VIKAS BAHL)
JUDGE"**

3. Learned counsel for the petitioner has handed over a draft amounting to Rs.50,000/- in the name of the complainant to the learned counsel for the petitioner, which fact has been admitted by the learned counsel for the complainant. Learned counsel for the petitioner has further submitted that in pursuance of the above-said order, the petitioner has joined the investigation and has also stated that the previous bail application of the petitioner was dismissed as withdrawn on 22.11.2022 with liberty to file a fresh petition after giving full and better particulars and after getting complete instructions.

4. Learned State counsel, on instructions from ASI Suraj Din, has submitted that the petitioner has joined the investigation and is not

required for further investigation.

5. Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 18.05.2023 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 18.05.2023 is ordered to be made absolute.

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

July 04, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No