

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:120333
CRM-M-25198-2023
Date of Decision: September 13, 2023

Indra Devi and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vijay Lath, Advocate for the petitioners.

Mr. R.S. Khaira, DAG, Punjab.

Mr. J.S. Khiva, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

On 17.05.2023, following order was passed by this Court:-

“This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.128 dated 15.04.2023 under Sections 420, 120-B IPC, registered at Police Station City Kharar, District S.A.S. Nagar, Punjab. Learned counsel for the petitioners inter alia contends that the petitioners are innocent and have been falsely implicated in the present case. He further submits that civil dispute has been given a criminal tinge. The allegations in the FIR registered at the behest of complainant-Randeep Singh are that the petitioner No.2 – Ram Kumar Singh had taken a sum of Rs.3 lakhs returnable along with interest @ 4% per month and after paying interest upto 20.10.2014 he stopped making payment of interest and finally the blank cheque which was given by petitioner No.2 as guarantee was filled by the complainant and was presented in the bank and initially cheque amount of Rs.10,50,000/- was transferred in the account of the complainant and thereafter it was reversed. Learned counsel further submits that at the most complaint under Section 138 of the Negotiable Instruments Act could have been presented and registration of FIR is totally a

misuse of process of law. He further submits that petitioners are not involved in any other case and they are ready and willing to join the investigation.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of respondent-State and seeks time to file reply/status report.

Mr. J.S. Khiva, Advocate, has appeared on behalf of the complainant and filed his vakalatnama, which is taken on record.

Adjourned to 13.9.2023.

In the meantime, petitioners shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.*
- 2) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- 3) That the petitioners shall not leave India without prior permission of the court. Let needful be done before the next date of hearing with advance copy to learned counsel for the petitioners.”*

Today status report is filed by way of affidavit dated 13.09.2023 of Shri Karan Singh Sandhu, Deputy Superintendent of Police, Sub Division, Kharar-I, District SAS Nagar (Mohali), as per which petitioners have since joined the investigation.

It is stated by learned State counsel that at the same time the petitioners have joined the investigation, but they did not co-operate in the same and did not disclose about the cheated amount.

On query from learned State counsel, he is unable to disclose as to how and in what manner, the petitioners have not co-operated.

Having regard to the reasons as given in detail in the order dated 17.05.2023, but without commenting anything on the merits of the case, the aforesaid order dated 17.05.2023, is hereby made absolute.

However, it is made clear that the petitioners shall be abide by the conditions as envisaged under Section 438(2) Cr.P.C. and they shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

September 13, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No