

SANTOSH KUMARI

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

None for the complainant.

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in the case bearing FIR No.129 dated 28.07.2020, under Section 420 IPC, 1860 and Section 13 of Punjab Travel Professional Regulation Act, 2014 registered at Police Station Navi Baradari, District Jalandhar.

On 08.02.2021, the following order was passed:-

“Additional affidavit not filed. Leaned State counsel submits that reply already filed is quite clear and is self explanatory, therefore, there is no necessity for filing additional affidavit. Let it be so.

The presence of complainant Usha Mahi w/o Sarwan Dass, resident of House No. 3, Tower Enclave, Phase 3, Kurala, District Jalandhar is found to be necessary before the Court for proper adjudication to the controversy. She is ordered to be impleaded as respondent No. 2 in this case. The Registry is directed to do the needful. Notice be sent to her for the next date of hearing. State counsel shall get her service effected through the investigating officer.

Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation. Learned State counsel states that the petitioner be directed to do so.

Under such circumstances, the petitioner is directed to join investigation by contacting the Investigating Officer within 7 days from today and render all sort of cooperation. The petitioner has to surrender her Passport before the Investigating Officer, if she has got one, otherwise to furnish

affidavit in that regard. The next date of hearing is fixed as 25.3.2021. If, in the meanwhile, she is arrested, she be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer.

On the adjourned date learned State counsel shall inform whether the petitioner has joined the investigation and rendered full cooperation therein or not.”

Learned counsel for the petitioner contends that as per the allegations, the petitioner had received a sum of Rs.20 lacs in a deceitful manner on the false pretext of sending the complainant and her relative-Deepak Bagga abroad. The dispute has been amicably settled between the parties. A separate petition bearing CRM-M-17447-2022 for quashing the FIR on the basis of compromise has been instituted wherein directions have also been issued to the trial Court to record the statements of the parties qua compromise. Furthermore, the petitioner has joined the investigation in pursuance of interim directions.

On instructions from Dilip Singh, learned State counsel submits that the petitioner has joined the investigation and her custodial interrogation is not required. It has been further submitted that the challan has not been submitted as some negotiations for amicable settlement were going on between the parties.

In view of the aforesaid submissions, the order dated 08.02.2021, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

14.03.2023

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(VIVEK PURI)
JUDGE

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