

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-38283-2021 (O&M)

Date of decision: 24.07.2023

Davinder Kaur Sandhu

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.S. Jattana, Advocate for the petitioner

Mr. Vikrant Pamboo, Sr. DAG Haryana

AMAN CHAUDHARY. J.

1. On 15.09.2021 and 26.05.2023, this Court had passed the following order:-

15.09.2021

“Learned counsel for the petitioner submits that dehors the calculation of the amount allegedly deposited in the account of the petitioner as well as paid in cash, the petitioner is ready to deposit an amount of Rs.5 lacs without prejudice to his right of defence before the Illaqa Magistrate.

Notice of motion for 03.12.2021.

Subject to such a deposit, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 22.09.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.

The amount so deposited shall be deposit in a fixed deposit in some nationalised bank, so as to fetch maximum interest. The successful party would get the amount on culmination of the criminal proceedings. Petitioner undertakes to give place of her abode to the Investigating Officer and shall

cooperate in the investigation.

26.05.2023

CRM-23176-2023

Prayer in the present application filed under Section 482 of the Cr.P.C. is for releasing the Fixed Deposits (FDR) of Rs.5,00,000/- deposited with the trial Court in compliance with order dated 15.09.2021 passed by this Court.

Learned counsel for the applicant/petitioner submits that the matter has been compromised between the parties before the Mediation and Conciliation Center of this Court. As per the compromise, it has been agreed that a total sum of Rs.3,10,000/- is to be paid to the complainants by the petitioner as full and final settlement. Copy of compromise/settlement dated 06.05.2023 is attached as Annexure A-1. The petitioner has no other source to pay Rs.3,10,000/- to the complainants except the FDR amounting to Rs.5,00,000/- deposited with the trial Court. Therefore, the present application may be allowed.

For the reasons mentioned in the application, the same is allowed and out of total amount of Rs.5,00,000/- deposited in the shape of FDR, the trial Court is directed to release amount of Rs.3,10,000/- in favour of the complainants and amount of Rs.1,90,000/- in favour of the petitioner against proper receipt and application in accordance with law.

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Adjourned to 24.07.2023.

Interim order to continue.”

2. Learned counsel submits that the matter stands settled before the Mediation and Conciliation Centre of this Court on 06.05.2023 and an amount of Rs.3,10,000/- has been paid to the complainant by way of online transfer and in pursuance of the order dated 15.09.2021, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further

custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 15.09.2021 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

(AMAN CHAUDHARY)
JUDGE

July 24, 2023
M.Kamra

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