

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

212

CRM-M-41444-2023 (O&M)

Date of decision: 05.10.2023

Rajinder Kaur

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Imaan Singh Khara, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Pankaj Maini, Advocate for the complainant.

AMAN CHAUDHARY, J.

1. On 22.08.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.4 dated 27.04.2023, registered under Sections 406 and 120-B IPC at Police Station NRI Bathinda, District Bathinda.

Learned counsel contends that the son of the petitioner and daughter of the complainant had got married in Canada and have since been divorced on 01.05.2023 by the decree of the Hon'ble Supreme Court of British Columbia, Annexure P-6. Several false complaints dated 26.11.2020, 02.09.2022 and 10.05.2021 were filed against the petitioner by the complainant, which were subsequently withdrawn by him. No amount was spent by the complainant on the wedding that took place in Canada, which was neither attended by him nor his family members. Whereas it was attended by the petitioner and her family members and they also gave jewellery items to the daughter of the complainant. The bank statement showing the amounts transferred to PK Jewellers in this regard, has been referred to, it being Annexure P-2, as also the bills/invoices of the jewellery and other articles including furniture and clothes, Annexures P-3. To incur marriage expenditure, even land was sold by the husband of the petitioner vide sale deed dated 25.01.2018, Annexure P4. The husband of the petitioner, has been granted interim anticipatory bail by this Court on 21.08.2023. The petitioner is not involved in any other case. She is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 28.08.2023. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 05.10.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, 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. She also submits that at this stage, the petitioner is not required for any custodial interrogation.

4. Learned counsel for the complainant has opposed the present petition, however, he admits the factum of joining of investigation by the petitioner.

5. 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 22.08.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

6. 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

05.10.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No