

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48203 of 2022(O&M)
Date of Decision: 20.04.2023

Jaswinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by:- Mr. H.S. Aujla, Advocate
For the petitioner.

Mr. C.L. Pawar, Addl. AG Punjab.

Mr. Mayur Karkra, Advocate
For the complainant.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 160 dated 20.09.2022, registered under Sections 420, 467, 468 and 506 IPC at Police Station Division No.4, Patiala, District Patiala.

The allegations in nutshell are that Kuldeep Singh husband of the present petitioner took Rs.8 lakhs from complainant Davinder Kumar on the pretext of providing him a job in the Court at Patiala. That Kuldeep Singh failed to provide any such job and also refused to return the money and resultantly FIR has been registered under Sections 420, 468 and 120-B IPC against said Kuldeep Singh and present petitioner.

The counsel for the petitioner has , *inter alia*, contended that the petitioner has been falsely implicated in the present case and there are no specific allegations against the petitioner who is wife of Kuldeep Singh. The counsel for the petitioner further submits that police arrested Kuldeep Singh and he has been granted regular bail. The counsel for the petitioner further submits that the petitioner who is a lady is granted interim bail vide order dated 02.12.2022 and in the light of the said order petitioner has joined the investigation with the police.

The present petition is resisted by the counsel for the complainant who has submitted that petitioner secured interim bail from this Court vide order dated 02.12.2022 by proclaiming that matter has been compromised between the parties. Actually, no such compromise was effected and when this fact was brought to the notice of this Court, direction was given by this Court to Senior Superintendent of Police, Patiala to depute some Gazetted Police Officer to inquire into the matter and accordingly enquiry was conducted by Deputy Superintendent of Police, City-1, Patiala, who gave his report that the alleged compromise deed is not bearing the signatures of complainant and other witnesses and rather bears fake signatures. The counsel for the complainant has further contended that thus, the petitioner is not entitled to grant of anticipatory bail as she has not approached the Court with clean hands.

The State counsel also argued on the same lines and has further submitted that the petitioner procured order of interim bail by misleading the Court. So, prayer is made that the present petition be dismissed.

I have considered the submissions made by the counsel for the parties.

In the present petition, notice of motion was issued to the State vide order dated 18.10.2022. The State counsel accepted the notice and made prayer for time to seek necessary instructions regarding complicity of the petitioner and accordingly the petition was adjourned to 01.11.2022, on which date the matter could not be taken up and it was adjourned to 02.12.2022. On 02.12.2022 the counsel appearing on behalf of the petitioner made submission that the matter has been compromised and on the basis of said compromise the parties have also filed CRM-M-52643 of 2022 seeking quashing of FIR on the basis of compromise. The State counsel made prayer for adjournment to seek necessary instructions in this regard. The case was adjourned to 01.03.2023 and in the meantime interim bail was granted to the petitioner with a direction to join the investigation. In the meantime, the petitioner joined the investigation with the police. On 01.03.2023 counsel appearing on behalf of the complainant apprised the Court that no such compromise has been effected between the parties. In view of the above, some Gazetted Police Officer was directed to look into the matter and to submit its report. In compliance of the said direction, Deputy Superintendent of Police, City-1, Patiala enquired into the matter and recorded statements of various persons and gave his report that the signatures appearing on the alleged affidavit/ compromise are fake. Thus, making it apparent that the petitioner secured interim bail from this Court vide order dated 02.12.2022 by making false representation that the matter has been amicably settled between the parties.

As the petitioner obtained interim bail by misrepresenting the true facts before this Court, she is not entitled to grant of discretionary relief of anticipatory bail.

Consequently, the present petition is hereby dismissed and order of interim bail dated 02.12.2022 is vacated. The complainant is at liberty to take legal action against the petitioner and other persons on the basis of enquiry report dated 25.03.2023 submitted by Deputy Superintendent of Police, City-1, Patiala.

(KARAMJIT SINGH)
JUDGE

20.04.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No