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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-9833-2023 &
CRM-10356-2023 in/and
CRM-M-51978-2022
Date of Decision: 02.03.2023

Neha Mittal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. A.P.S. Deol, Senior Advocate assisted by
Mr. Vishal R.Lamba, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab
for the respondent/State.

Mr. Abhinav Narang, Advocate
for the complainant.

HARSH BUNGER J. (ORAL)

CRM-9833-2023:

Present application is filed for placing on record copy of bail application filed by the applicant/appellant before the Court of Sessions Judge, Patiala and photocopies of certain photographs as Annexures A-11 and A-12, respectively.

For the reasons mentioned in the application, copy of bail application filed by the applicant/appellant before the Court of Sessions Judge, Patiala (Annexure A-11) and photocopies of certain photographs

(Annexures A-12) are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CRM-10356-2023:

Present application is filed for placing on record true copy of Form C.D. 6 and uncertified copy of civil suit, along with list of documents and Form attached with the civil suit, as Annexures P-11 and P-12, respectively.

For the reasons mentioned in the application, true copy of Form C.D. 6 and uncertified copy of civil suit, along with list of documents and Form attached with the civil suit, are taken on record, as Annexures P-11 and P-12, respectively, subject to all just exceptions.

Application is accordingly disposed of.

CRM-M-51978-2022:

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.173 dated 13.10.2022 (Annexure P-1), under Sections 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Division No.4, Patiala.

On 11.11.2022, the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.173 dated 13.10.2022, registered under Sections 420, 467, 468, 471 of Indian Penal Code, 1860 at Police Station Division No.4, Patiala.

Learned senior counsel for the petitioner contends that the petitioner has falsely been implicated in the FIR in question as the said case was got lodged as a counter blast by one Pushpa Rani at the behest of her son Ashwani Sood,

against whom, the petitioner had lodged a complaint dated 29.04.2021/30.04.2021 (Annexures P-7 and P-8, respectively) before Station House Officer, Police Station Bhadson (Patiala). He further submits that the FIR, in question, has been registered in respect of Rent Deed (Annexure P-4) dated 19.03.2021 and the case is based on documentary evidence. The custodial interrogation of the petitioner is not required in this case as nothing is to be recovered from her. Furthermore, the petitioner is ready and willing to join the investigation.

At this stage, Ms. Radhika Suri, Senior Advocate with Mr. Manpreet Singh Kanda, Advocate and Mr. Sidhant Suri, Advocate appears for the complainant(s) and opposes the instant bail application by taking a plea that the petitioner has fabricated/forged a rent deed and on that basis, she had filed a Civil Suit for recovery at Nabha, therefore, the custodial interrogation of the petitioner is required in this case.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

List on 21.12.2022.

In the meanwhile, in the event of arrest of the petitioner, she shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, she shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner submits that pursuant to the

aforesaid order, petitioner has joined the investigation.

Learned counsel for the complainant has opposed the prayer of anticipatory bail of the petitioner on the ground that the petitioner has fabricated the Rent Agreement by forging signatures of Pushpa Rani and the original of said forged Rent Agreement is still to be recovered from the petitioner, hence her custodial interrogation is required.

Learned State counsel, on instructions from Sub Inspector Satinder Bir Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that her custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

The petitioner is a lady, who pleads false implication; has joined the investigation and as per State counsel, her custodial interrogation is not required at this stage. The case is based on documentary evidence, accordingly, order dated 11.11.2022, passed by this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

02.03.2023

Apurva

**(HARSH BUNGER)
JUDGE**

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |