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

**CRM-M-59743-2022
Date of Decision: 03.02.2023**

Sharanjit Kaur and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Naresh Prabhakar, Advocate
for the petitioners.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioners in case FIR No.205 dated 01.11.2022 (Annexure P-1), under Sections 120-B and 420 IPC, registered at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana.

On 21.12.2022, 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 petitioners, in case FIR No.0205 dated 01.11.2022 (Annexure P-1) registered under Sections 420 and 120-B of the Indian Penal code, 1860 at Police Station Sadar Ludhiana, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioners, inter alia, contends that petitioner No.1 is a lady of 42 years and petitioner No.2

is her husband and have falsely been implicated in the present case. He further submits that a civil dispute has been given a colour of criminal proceedings. It is also submitted that the complainant, who had lodged the FIR, had already filed a complaint under Section 138 of the Negotiable Instruments Act and no offence under Section 420 of the Indian Penal Code is made out against the petitioners. Learned counsel also submits that with the intervention of the respectables, the matter has been compromised between the parties and while referring to Annexure P-2, it is submitted that the petitioners have paid a total sum of Rs.7,00,000/- (Rupees Seven lacs only) to the complainant, out of which, Rs.1,00,000/- (Rupees One lac only) have been paid in cash and Rs.6,00,000/- (Rupees Six lacs only) have been paid through RTGS to the complainant. It is also the argument of learned counsel for the petitioners that the complainant has assured the petitioners that he will withdraw his complaints, however, the complainant has failed to do so. It is submitted that the bail application moved by the petitioners before the Additional Sessions Judge, Ludhiana, has been wrongly dismissed vide order dated 16.11.2022. Learned counsel further submits that the petitioners are ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Vinay Kumar Gupta, Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence.

Keeping in view the submission of learned counsel for the petitioners that the matter has been compromised between the parties; this Court is inclined to grant interim bail to the petitioners.

List on 03.02.2023.

In the meanwhile, in the event of arrest of the petitioners, they shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, they 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 petitioners submits that pursuant to the aforesaid order, petitioners have joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Davinder Singh, has not disputed the aforesaid fact of joining the investigation by petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their custodial interrogation is not required at this stage, order dated 21.12.2022, passed by this Court, is made absolute.

However, the petitioners 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) Cr.P.C.

It is made clear that if the petitioners fail 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 petitioners.

Present petition is accordingly disposed of.

03.02.2023

Apurva

(HARSH BUNGER)
JUDGE