

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

CRM-M No.57715 of 2023

Decided on:16.11.2023

Vandana Rawat

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dixit Garg, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The petitioner has approached this Court under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0350 dated 13.10.2023 under Sections 406, 420, 120-B IPC (Sections 467, 468, 471 IPC added later on) registered at Police Station Sector 36, Chandigarh.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is the mother of 2 ½ years old daughter and her husband is already in judicial custody. There is no one to take care of the minor daughter. The genesis of the dispute is the agreement to sell dated 16.07.2021. The matter is purely of civil nature and even the complainant and the petitioner herein have entered into a compromise on 04.11.2023 (Annexure P-2). The earnest money taken by the petitioner in terms of the agreement to sell has been returned in part and for the remaining amount, five post-dated cheques have been issued.

3. Notice of motion.

4. Mr. Manish Bansal, P.P., U.T., Chandigarh, who is present in Court, accepts notice for the respondent-State.

5. At this stage, Mr. Nikhil Anand, Advocate has put in appearance on behalf of the complainant and files his vakalatnama, which is taken on record. He admits to the factum of compromise entered into between the petitioner and the complainant.

6. With consent of the parties, the matter is taken up for final disposal. In view of the compromise entered into between the petitioner and the complainant and the law enunciated by the Hon'ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51*; *Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137*; *Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565*, *Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273* and *Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833*, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 28.11.2023 and on her doing so or in the event of arrest, the petitioner shall be admitted to anticipatory bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer as and when required and abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

8. In case the compromise entered into between the complainant and the petitioner is not honoured by the petitioner, the complainant will be at liberty to seek cancellation of the anticipatory bail granted to the petitioner. However, nothing observed hereinabove shall be construed as expression of opinion of this

Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

9. The instant petition stands disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

November 16, 2023
Pankaj*

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