

CRM-M-58793-2023

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-58793-2023 (O&M)

Date of Decision: 20.12.2023

SANDEEP KAUR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shivender Pal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 274 dated 13.10.2022 registered under Sections 365 and 506 of Indian Penal Code at Police Station Cantonment, District Police Commissionerate, Amritsar.

2. On 22.11.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.274 dated 13.10.2022 registered under Sections 365, 506 IPC at Police Station Cantonment, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case due to having a dispute with the husband of the complainant namely Vikrant Gill. The petitioner has referred to transfer of amount to the account of husband of the complainant from her account, as discernible from Annexure P-1. The

petitioner is a lady and the version given in the FIR is not plausible. Moreover, the maximum sentence provided under Section 365 IPC is upto seven years.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent State and opposes the prayer for grant of anticipatory bail to the petitioner.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 06.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

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.

Adjourned to 20.12.2023.

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."

submits that in compliance of order dated 22.11.2023 passed by this Court, the petitioner has joined the investigation on 30.11.2023 and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 22.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

20.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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