



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M No.34347 of 2024
Date of decision: 03.09.2024

TAMANA

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. V.K Sandhir, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.199 dated 15.06.2024 registered under Sections 420 and 406 of IPC, at Police Station City Hoshiarpur.

2. Vide order dated 22.07.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 22.07.2024, passed by this Court, reads as under:

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.199 dated 15.06.2024 registered under Sections 420 and 406 of IPC, at Police Station City Hoshiarpur on the basis of complaint lodged by the complainant-Seema Suri alleging therein that some years back her husband Rajesh Suri had purchased one Mangal Sutra from the shop of the petitioner and co-accused who is her husband. They had been purchasing gold from the petitioner and co-accused previously also and



trusted them. Recently they came to know that the above said Mangal Sutra was not of pure gold and was fake. It was having cost of ₹1,55,000/-. Complaint was made to the co-accused and the petitioner and the petitioner advised the complainant not to discuss about this fact to anyone and promised to compensate the complainant with a pure gold Mangal Sutra. However, the petitioner and co-accused, transferred only an amount of ₹75,000/- in the bank account of the complainant by saying that this was the entire amount of Mangal Sutra and did not pay the remaining amount of value of the Mangal Sutra and in this manner, they cheated them. Now they had refused to pay remaining amount and were also extending threats to involve the complainant and her husband in false cases. After registration of the FIR, investigation proceedings were initiated and are underway. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Hoshiarpur which has been dismissed vide order dated 10.07.2024.

It is argued by learned counsel for the petitioner that the FIR of this case has been lodged as a counter-blast to the FIR No.135 dated 23.04.2024 which has already been lodged by the petitioner against the husband of the complaint who is a property dealer, on the allegations of forming an unlawful assembly and in prosecution of common object of that unlawful assembly with the co-accused, causing hurt to her as well as her husband, outraging her modesty and criminally intimidating them. The husband of the petitioner is running the business of goldsmith but the petitioner has nothing to do with that



business. The complainant has not been able to produce any bill or document regarding purchase of any Mangal Sutra from the husband of the petitioner. In fact, the husband of the complainant had forcibly taken away the husband of the petitioner and had caused hurt him and outraged her modesty qua which FIR No.135 has been registered. The petitioner is only a house wife. No recovery is to be effected from her. She is ready to join investigation and her custodial interrogation is not required. Therefore, it is urged that she deserves to be granted benefit of pre arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, Mr. Ajay Pal Singh Rehan, Advocate appeared and has filed his vakalatnama on behalf of the complainant. The same is taken on record. He seeks time to address arguments.

Adjourned to 03.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that that the petitioner has joined investigation on 28.07.2024 and she is not required for custodial interrogation.



4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 22.07.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

03.09.2024

Jyoti-IV

(MANISHA BATRA)
JUDGE

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