

(1) Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : May-02-2013

Appellant : (1)

Respondent : State of Punjab

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH (1) Crl.

Misc.

not M-21346 of 2012 (O&M) Date of Decision: May 02, 2013.

Monika SodhiPETITIONER(s) Versus State of PunjabRESPONDENT (s)
(2) Crl.

Misc.

not M-21919 of 2012 (O&M) Amandeep Singh SodhiPETITIONER(s) Versus
State of PunjabRESPONDENT (s) CORAM:- HON'BLE MR.JUSTICE RAM
CHAND GUPTA Present: MRS.G.K.Mann, Advocate for for the petitioner
(s).Mr.Deepak Garg, A.A.G., Punjab.

***** RAM CHAND GUPTA, J.(Oral) This order will dispose of both the afore-
mentioned petitions filed for anticipatory bail under Section 438 of Code of
Criminal Procedure in FIR No.126 dated 5.6.2012 registered at Police Station

Division No.7 Jalandhar, District Jalandhar under Sections 406, 420, 506 read with Section 120-B of Indian Penal Code.

CRM not M-21346 o

2. I have heard learned counsel for the parties and have gone through the whole record including the impugned order passed by learned Additional Sessions Judge, Jalandhar dismissing anticipatory bail application filed on behalf of the petitioners. This Court while issuing notice of motion in CRM M-21346 of 2012 passed the following order on 20.07.2012 :- Learned counsel for the petitioner inter alia contends that Bhanu Tahkur was debarred on 21.05.2007 for making an application for Visa to UK Embassy.

The allegations in the FIR is that `3,16,000 were paid by him for going to Singapore as U.K.Embassy would not allow the Visa for 10 years after 2007.

This FIR is a counter blast to the FIR registered by the petitioner (P-1). Notice of motion for 17.09.2012.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigation Officer.

In the event of the arrest, she shall be released on bail by the Investigation Officer on her furnishing bail bonds/sureties to her satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C.:- i.

a condition that the person shall make themselves available for interrogation by Police Officer as and when required; ii.

a condition that the person shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; iii. a condition that the person shall not leave India without the previous permission of the Court; CRM not M-21346 o

3. iv. such other conditions as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.

This Court while issuing notice of motion in CRM M-21919 of 2012 passed the following order on 27.07.2012:- The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Tahkur Kaushal singh alleging that the petitioner had induced the complainant to part with a sum of Rs.3.16 lacs to send his son abroad.

Counsel for the petitioner submits that an FIR had been registered against the petitioner, one day prior to the lodging of the FIR alleging that on 6.1.2012 Bhanu Thakur, son of the complainant had damaged the car belonging to the father of wife of the petitioner, Petition filed by the wife of the petitioner is stated to be fixed for 17.09.2012.

Notice of motion for 17.09.2012.

Meanwhile, an interim direction is issued that the petitioner will join the investigation on 11.8.2012.

In case of his doing so, he will be released on bail to the satisfaction of the arresting officer.

It has been contended by learned counsel for the petitioners that they have already joined the investigation pursuant to said orders dated 20.07.2012 and 27.07.2012 respectively.

It has also been stated by learned counsel for the State that petitioners have joined the investigation and that investigation has already been completed and challan filed against the present petitioners. accused and that however, they have not appeared before learned trial CRM not M-21346 o

4. Court.

It is further contended that the next date fixed in this case is 4.6.2013.

It has been stated by learned counsel for the petitioners that they would appear before learned trial Court on the date fixed to face trial.

There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Hence, in view of these facts and without expressing any opinion on the merits of the case, both the afore-mentioned anticipatory bail applications filed on behalf of petitioners Monika Sodhi and Amandeep Singh Sodhi are accepted and orders dated 20.07.2012 and 27.07.2012 granting interim bail in favour of the petitioners are, hereby, made absolute subject to compliance of conditions specified under Section 438(2) Cr.P.C. and subject to petitioners appearing before learned trial Court on 4.6.2013, the date already fixed.

It is made clear that in case petitioners failed to appear before learned trial Court on date fixed, both the afore-mentioned petitions shall be deemed to have been dismissed.

Both the petitions stand disposed of accordingly.

(RAM CHAND GUPTA) May 02, 2013.

JUDGE Sachin M.

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