

CRM-M No.21031 of 2016 (O&M)

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**203-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.21031 of 2016 (O&M)

Date of Decision : 22.10.2016

Nisha Bhardwaj

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sandeep Arora, Advocate for the petitioner.

Mr. K.S.Pannu, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.54 dated 31.03.2016 registered under Sections 406/420/465/468/471/120-B/370/370-A IPC at Police Station Division No.8, Jalandhar.

On 14.06.2016 the following order was passed:-

“Learned counsel for the petitioner submits that the FIR has been registered against the petitioner and her co-accused with the allegations of them having prepared fake and fabricated documents to 'smuggle' people and send them abroad, including children. However, there was no complaint of any person in this regard.

A perusal of the FIR, of course, reveals that it was registered on the basis of a secret information. However, no details at this stage are available, either from the FIR, or from the order of the learned Additional Sessions Judge, Jalandhar, rejecting the anticipatory bail application filed before that Court.

Though the allegations are serious, however, on the above contention, at this stage, let notice be issued to the Advocate General, Punjab, returnable on 11.7.2016.

In the meanwhile, till the next date of hearing, in the event of arrest of the petitioner, subject to her joining investigation and complying with all conditions stipulated in Section 438(2) Cr.P.C., she shall be released on bail, on her furnishing adequate bail and surety bonds, to the satisfaction of the arresting officer/Ilaqa Magistrate.”

On 11.07.2016 the following order was passed :-

“The learned State counsel, on instructions, states that in pursuance of order dated 14.06.2016, the petitioner has not joined the investigation.

In the circumstances, the petitioner is again directed to join investigation and appear before the Investigating Officer on 13.07.2016 at 11 a.m., in the concerned police station and thereafter as and when required by the investigating agency.

Post again on 05.09.2016.

Interim order to continue.”

Thereafter on 05.09.2016 the following order was passed :-

“The learned State counsel informs that the petitioner has not yet joined the investigation.

Post again on 22.10.2016.

The petitioner is again directed to join investigation on 07.09.2016 at 11.30 a.m., in the concerned police station and thereafter, as and when called by the investigating agency.

Interim order to continue.

List along with CRM-M-21780-2016.”

Learned Deputy Advocate General, on instructions from ASI Arun Kumar states that the petitioner has been arrested in some other case but she is not required in this case for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 14.06.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

22.10.2016
pooja sharma-I

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No