

**Sr. No. 213
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-3217 of 2016 (O&M)

Date of Decision: 22.04.2016

Balbir Kaur @ Billo @ Balbiro Mahey

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

Dr. Naresh Kaushik, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.125 dated 12.09.2015, under Sections 406, 380,109,176,177,201 and 120-B of Indian Penal Code, registered at Police Station Sadar, Phagwara, District Kapurthala.

While issuing notice of motion, the following order was passed by this Court on 29.01.2016:-

“Petitioner seeks concession of anticipatory bail in case FIR No.125 dated 12.09.2015, under Sections 406/380/109/176/177/201/120-B IPC, registered at Police Station Sadar Phagwara, District Kapurthala.

Complainant in the present case is mother-in-law of the present petitioner. Allegations against the present petitioner are with regard to mis-appropriation of funds sent by son of the complainant and by the present petitioner.

Counsel would argue that on the basis of the allegations, no offence is made out. He contends that there is no dispute that the present petitioner was the wife of son of the complainant and who expired on 03.06.2010. Further contended that in relation to an allegation of the year 2010, the FIR has been registered after five years in the year 2015 and in any case money being sent by the husband living in a foreign country and directly to the wife would under no circumstances constitute the offence as cited.

Notice of motion, returnable for 22.04.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from SI Mohan Lal has apprised the Court that the petitioner has since joined investigation.

That apart the contentions noticed by this Court in the notice of motion order have gone un rebutted.

Accordingly, petition is allowed. Order dated 29.01.2016, passed by this Court, is made absolute.

Disposed of.

22.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**