

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.38278 of 2016
Date of Decision : 03.12.2016**

Kulwinder Kaur

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. G.S. Kaura, Advocate
for the petitioner.

Mr. C.S. Brar, Deputy Advocate General, Punjab assisted by
ASI Vidya Rattan, Police Station Jamalpur,
Tehsil and District Ludhiana

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose off the petition filed under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.129 dated 04.09.2016 under Sections 420, 120-B IPC and 24 of Immigration Act, registered at Police Station Jamalpur, District Ludhiana.

The allegations against the petitioner in brief spelled out by the prosecution are that in the year 2010, the petitioner along with her husband/non-applicant-Gurdeep Singh had duped the complainant Sarabjit Singh for a sum of ₹ 23.00 lacs on the pretext of migration abroad but subsequently could not and neither returned the money.

The contentions of the counsel for the petitioner Mr. G.S. Kaura, that the petitioner has initially been found innocent in the investigations by the Deputy Commissioner Zone-3, Ludhiana and has

placed reliance on Annexure P-3, though, has sought to be controverted by the learned State Counsel, assisted by Mr. Harkeerat Singh, Advocate, who has put in appearance on his own on behalf of the complainant and filed his Power of Attorney, which is taken on record, on the ground that subsequently, the SIT has found the petitioner to be guilty, which fact has been duly admitted by the learned State Counsel on instructions from Investigating Officer ASI Vidya Rattan, Police Station Jamalpur, Tehsil and District Ludhiana that during the entire investigations, it has never transpired nor the report Annexure P-2 holding the petitioner innocent, has been dissented or set aside by any senior functionary and thus, in the light of these two contradictory stands of the police, one that the petitioner has been held innocent and in the second she has been found to be guilty for the commission of offences and at this stage after a period of 06 years, the present case has been registered, impels this Court allow the prayer made by the petitioner.

In view of this, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the arresting Officer till submission of report under Section 173 Cr.P.C.(Challan). He shall continue to join investigation and shall furnish an undertaking that she shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

December 03, 2016

Dpr

(FATEH DEEP SINGH)
JUDGE

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