

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

CRM-M-9686-2016 (O&M)

Date of decision : 06.09.2016

Ramesh Kumari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. N.S. Dandiwal, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Ajay Pal.

JITENDRA CHAUHAN, J. (Oral)

The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for grant of pre-arrest bail in case FIR No.12 dated 13.02.2016, registered under Sections 406 and 420 of the Indian Penal Code, at Police Station Baghapurana, Distt. Moga.

On 22.03.2016, this Court passed the following order:-

“Prayer for grant of anticipatory bail to the petitioner in case FIR No.12 dated 13.02.2016 for offences punishable under Sections 406 and 420 of Indian Penal Code registered with Police Station Baghapurana, District Moga.

There are allegations of receipt of Rs.3 lacs by the petitioner-accused and her co-accused son Deepak Sharma as part payment out of total Rs.19 lacs for sending the complainant to America.

It is submitted that the petitioner is a widow lady and it is highly unbelievable that a huge sum would

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be paid to her for sending anyone to America.

Notice of motion for 01.06.2016.

In the meanwhile, in the event of her arrest, petitioner shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, she shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438(2) Cr.PC.”

Learned counsel for the petitioner contends that the petitioner is the mother of co-accused Deepak, to whom the amount was allegedly entrusted. The amount in question was paid to Deepak on 30.06.2013, whereas, the FIR in question was registered on 13.02.2016. The petitioner is an illiterate household lady.

On the other hand, learned State counsel has opposed the instant bail petition. On instructions, she submits that though the petitioner has joined the investigation but she is not cooperating as the amount is still to be recovered.

Heard.

There is a delay of more than two years in lodging the FIR. The allegations of entrustment are against co-accused Deepak. The petitioner is statedly an illiterate and widow lady. She has repeatedly joined the investigation.

Keeping in view the above and the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 23.04.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate.

The petition stands allowed accordingly.

However, nothing noticed hereinabove, shall be construed as an expression of opinion of the Court, on the merits of the case.

06.09.2016
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(JITENDRA CHAUHAN)
JUDGE

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