

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

**Crl. Misc. No.M-28523 of 2017 (O&M)
Date of Decision: October 26, 2017**

Manjit Kaur

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mohd. Salim, Advocate
for the petitioner (s).

Mr. C.L. Pawar, Sr. D.A.G. Punjab.

Mr. Chandeeep Singh, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.29 dated 16.02.2014 registered for the offences punishable under Sections 420 read with Section 120-B of Indian Penal Code, at Police Station Division No.5, Civil Lines, Ludhiana.

Heard.

Learned State counsel on instructions from ASI Malkit Singh submits that petitioner has joined the investigation, which is still in progress but her custodial interrogation is not required for the purpose of further investigation.

Learned counsel for the complainant submits that it is a case which speaks a lot about the inaction on the part of the police. FIR was registered in the year 2014 and challan was presented on 07.04.2015 but all the accused name in the FIR were not arrested. The complainant, thereafter, filed a petition in this Court seeking fair investigation and on receipt of the notice, police became active and petitioner moved this application, which shows that police was either colluding with the accused or was protecting them.

As per the allegations in the FIR, petitioner was personal assistant of Darshpreet Kaur with whom the complainant had dealing. Payments were made to Darshpreet Kaur through the petitioner and it has been alleged by the complainant that petitioner had counted the money and also gave assurance to him that he and his family will be sent abroad.

Keeping in view the above facts and that police has already presented challan against other accused including Darshpreet Kaur, who is the main accused, this petition is allowed and order dated 08.08.2017 is made absolute till the presentation of challan against her, subject to the following terms:-

- (i) that the petitioner shall make herself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against her so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the

presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

October 26, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*