

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

**CRM-M No.25703 of 2018
Date of Decision.19.06.2018**

Sarabjeet Kaur

.....Petitioner

Vs

State of Punjab

.....Respondent

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Nikhil Kumar Chopra, Addl. A.G., Punjab.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The petitioner-Sarabjeet Kaur is before this Court seeking anticipatory bail in case FIR No.67 dated 21.03.2018 under Section 420 IPC registered at Police Station Sadar Phagwara, District Kapurthala on the basis of complaint of Baldev Singh son of Hans Raj made against her and Kamaljit Singh, her husband on the premise that husband of the petitioner had assured the complainant to go abroad and in this process, has received a total amount of ₹8,55,000/- on various dates.

Mr. Amit Dhawan, learned counsel appearing on behalf of the petitioner submits that one Baldev Singh son of Amarjit Singh with whom daughter of the petitioner was engaged had taken money from the petitioner for sending her son abroad. However, after realizing that the intention of Baldev Singh was not good, engagement of the daughter of the petitioner with him had also broken. The daughter of the petitioner on her own after clearing ILETS examination got the immigration for Germany. The

complainant had not paid any single penny to the petitioner or her husband as the husband of the petitioner had later gone abroad, however, at the time of occurrence of alleged offence, he was in India. Therefore, there was no question of alluring the complainant on the pretext of sending him abroad, thus, urges this Court for granting concession of anticipatory bail.

Mr. Nikhil Kumar Chopra, Addl. A.G., Punjab on instructions from Head Constable Sukhdev Singh submits that in the investigation, police found that the complainant had withdrawn substantial amount for making payments to the petitioner and the investigation is still going on to ascertain the details of other payments. It is basically the petitioner and her husband, who allured the complainant to send abroad and seek money, therefore, custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties and appraised the paper book. During the course of hearing, this Court had an occasion to see the bank statement on record of the file of investigating officer wherein the statement of account maintained by the complainant in bank, the amount had not increased more than ₹1 lac. There was a withdrawal of maximum of ₹1 lac only. The report of the police that the complainant had withdrawn a sum of ₹8,55,000/-, prima facie, is too premature to accept as there is no concrete evidence other than the one referred to above. In view of such matter, the custodial interrogation of the petitioner would not be necessary. However, she will join the investigation as and when called by the Investigating Officer by sending advance notice under

Section 160 Cr.P.C.

Resultantly, the petition is allowed by granting anticipatory bail to the petitioner on the condition that she shall join the investigation as and when required and in the event of her arrest, she shall be released on bail by the Investigation Officer on furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned under Section 438(2) Cr.P.C.

(AMIT RAWAL)
JUDGE

June 19, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No