

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

CRM-M-31094-2017 (O&M)

Date of decision:26.04.2018

Charanjit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. R.S. Sekhon, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. Seeking concession of pre-arrest bail to the petitioner in case FIR No.194, dated 22.11.2013, under Sections 420/120-B IPC, registered at Police Station Kulgarhi, District Ferozepur.

While issuing notice of motion, the following order was passed by this Court on 30.08.2017:

“Learned counsel for the petitioner contended that petitioner has been declared as proclaimed offender, though on the date of registration of FIR i.e. on 22.11.2013, he was not in India rather he had gone to Canada and he is ready to join the investigation.

Notice of motion.

On asking of the Court, Mr. Rahul Rathore, Deputy Advocate General, Punjab, accepts notice on behalf of respondent(s). Learned counsel for the petitioner is directed to furnish a copy of paper book to Mr.Rathore during the course of the day.

Adjourned to 7.11.2017.

Meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail to the satisfaction of the Arresting Officer. He shall join investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Perusal of the FIR would reveal that the same had been registered on the complaint of Angrej Singh on the allegations that he has been duped of a total sum of Rs.21 lakhs approximately by the accused party including the present petitioner and her husband on the pretext of sending his nephew Gurjant Singh to Canada.

It is the contention raised by counsel that main accused in this case would be seen as Gurbinder Singh i.e. husband of the petitioner. Even the alleged entrustment of money at different points of time were to Gurbinder Singh. The only allegation raised is that at one point of time Rs.5 lakhs had been received by co-accused, Gurbinder Singh and the same amount had been handed over to his wife i.e. the present petitioner and who had put the money in her purse after counting the same.

Even though, the present petitioner had been declared a proclaimed offender on 22.11.2015, yet counsel by producing the passport of the petitioner has been able to substantiate his assertion that on the date of registration of the FIR, petitioner was not even in India.

Learned State counsel apprises the Court that the petitioner has since joined investigation. Thereafter, challan had been submitted and charges having been framed even the trial is at the concluding stage.

Under such peculiar circumstances, prayer made in the instant petition is accepted.

Order dated 30.08.2017 passed by this Court is made absolute.

26.04.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |