

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

**CRM-M No.24826 of 2018
Decided on: 15.01.2019**

Kulvir Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sukhjit Singh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Parvinder Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.03 dated 09.01.2018, registered under Sections 406, 419, 420 and 120-B of the Indian Penal Code (in short 'IPC') at Police Station Sadar Kurali, District Mohali.

On 18.06.2018, the following order was passed:-

“Mr. Nikhil Kumar Chopra, Addl. A.G., Punjab on instructions from ASI Gurnam Singh submits that the custodial interrogation of the petitioner is required for recovery of the amount of ₹20 lacs. It has also been informed to the Court that another FIR bearing No.258 dated 08.06.2018 has been registered against the husband of the petitioner with Police Station of Mani Majra where in identical circumstances, he allured people for assuring

appointment to the post of Driver in the High Court.

Mr. Parvinder Singh, learned counsel appearing on behalf of the complainant submitted that the custodial interrogation of the petitioner is necessary for recovery of the amount and certain other material.

Mr. Sukhjit Singh, learned counsel appearing on behalf of the petitioner submitted that as per the version in the FIR, the alleged deed occurred at the house of Avtar Singh, Sarpanch with whom the petitioner and her husband was having animosity and certain disputes. The complainants neither have the driving licence nor submitted any application to the post of Driver in the High Court, much less, shown any proof of capability of paying the alleged money.

This Court called upon Mr. Nikhil Kumar Chopra whether the investigation file reveals the financial capability of the complainants to part with the amount of ₹20 lacs and whether the investigation officer has seen the bank statements of the complainants or not. The finding of the trial Court in rejecting the concession of anticipatory bail on the pretext of recovery of the amount, in my view, prima facie is not correct as the same would be subject matter of trial.

Adjourned to 25.07.2018.

However, in the event of arrest of the petitioner, 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.”

Counsel for the petitioner has submitted that subsequent thereto, the petitioner has joined the investigation more than once and the husband of the petitioner, who was arrested has already been granted the concession of regular bail under Section 167(2) Cr.P.C.

This fact is not disputed by counsel for the State, on

instructions from ASI Lakhbir Singh. Counsel for the State has further argued that as per the information of the Investigating Officer, the petitioner is not involved in any other case, however, counsel for the complainant has submitted that certain complaints are pending against the petitioner and her husband.

Without commenting anything on merits of the case, considering the fact that the petitioner is on interim bail for the last 06 months and has not misused the concession of bail, this petition is allowed and the order dated 18.06.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

15.01.2019
yakub

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