

CRM-M No.57435 of 2018

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209

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

**CRM-M No.57435 of 2018
Date of Decision: 16.01.2019**

Sukhwinder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr.J.S.Guru, Advocate for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab.

Mr.Inderpal Singh, Advocate for complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.256 dated 29.11.2018, under Section 406 of the Indian Penal Code, 1860 registered at Police Station Dugri, District Police Commissionerate, Ludhiana.

While issuing notice of motion, this court passed the following order on 21.12.2018:-

“ *Mr. Ravi Chadda, Advocate has filed power of attorney on behalf of the complainant.*

Learned State Counsel is unable to assist the Court as I.O. of the case is not present.

It has been pointed out that the petitioner is running a Kitty business, which, prima facie, is not legally permissible. Let Commissioner of Police, Ludhiana file his affidavit as to how such activities are being run in the City contrary to law. In case the affidavit is found to be unsatisfactory, this Court may be constrained to summon the Commissioner of Police in person.

Learned Counsel for the petitioner undertakes to make the

payment of alleged amount of ₹ 2,10,000/- to the complainant within a period of one week.

Let needful be done within 10 days.

Adjourned to 16.01.2019 for further consideration.

In case the payment is made within 10 days from today, the petitioner is directed to join the investigation before the Investigating Officer and in the event of her arrest, the Arresting Officer would admit her to interim bail till the next date of hearing on her furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

However, it is made clear that the amount in question be released to the complainant by furnishing proper surety and same shall be subject to the final decision of FIR No.0256 dated 29.11.2018, under Section 406, IPC, registered at Police Station Dugri, District Police Commissionerate, Ludhiana.”

Learned State counsel, on instructions from ASI Sukhjinder Singh, has stated that in terms of the above order, the petitioner has joined the investigation and her custodial interrogation is not required.

In pursuance to the previous order, affidavit dated 15.01.2019 of Sukhchain Singh Gill, IPS, Commissioner of Police, Police Commissionerate, Ludhiana filed in Court today is taken on record and copy, thereof, supplied to the counsel opposite. Paragraph nos. 6 and 7 of the affidavit being relevant are extracted here below:-

*“**Para no.6** That it is respectfully submitted that such activities like kitty business are not legally permissible and an instant and immediate action is taken against the offender on receipt of any complaint/information in this regard. The deponent holds the crime meeting in the Police Commissionerate, Ludhiana every month wherein the status of the cases registered in Police Commissionerate is examined and the necessary*

directions are issued to the concerned officials. It is pertinent to mention here that the specific instructions have been issued by the deponent in the crime meetings to all the concerned Gazetted Officers and SHOs in Police Commissionerate, Ludhiana to ensure that such like activities are not allowed to run in the Police Commissionerate, Ludhiana and to take immediate steps in case any information/intimation with regard to the running of such like activities come to fore in order to curb the menace of such like activities.

Para no.7 *That it is respectfully submitted that as per the information derived from the official record, only the present case / FIR has been found to be registered as regards the running of kitty business and no other case/FIR has been found to be registered for such like activities in Police Coimmissionerate, Ludhiana. The deponent has issued strict instructions to all the Gazetted Officers and SHOs in Police Commissionerate, Ludhiana to ensure that strict action be taken against the person who is found to be involved in running of kitty business or such like activities. The answering respondent undertakes to comply with any further orders or directions which this Hon'ble Court would pass, in the facts and circumstances of the present case."*

The Commissioner of Police, Ludhiana has assured the Court by way of his affidavit that such like activities shall not be allowed to be run in the Police Commissionerate, Ludhiana and concerned Gazetted Officers and SHOs have been specifically directed for taking strict action against the persons who are found to be involved in the *kitty* business.

Since the petitioner has joined the investigation and her

custodial interrogation is not required, therefore, the order dated 21.12.2018 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that Commissionerate of Police, Ludhiana shall be bound by the assertions made in the affidavit filed today.

16.01.2019 (MAHABIR SINGH SINDHU)
mamta JUDGE

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