

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

CRM-M No.13118 of 2020
Date of decision: 28th May, 2020

Jagjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vishal Goel, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. H.S. Grewal, Addl. Advocate General, Punjab puts in appearance on behalf of the State on his own.

Petitioner Jagjit Kaur, who is accused in case bearing FIR No.71 dated 08.03.2020 under Sections 420, 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2015 pertaining to Police Station Civil Lines, Patiala, has come up in this first anticipatory bail application under Section 438 Cr.P.C.

The allegations against the principal accused Jagjit Singh husband of the petitioner, are that he in collusion with one Raj Kumar Setia non-applicant approached the complainant for making investment in immigration business and for which proposed to advance him a sum of ₹ 31.50 lacs to enable the accused Raj Kumar Setia to show that the

principal accused Jagjit Singh was having adequate financial capacity to enable him to migrate to Australia. As per the terms the accused undertook to return the money but failed to do so leading to registration of the present case. The allegations against the present petitioner wife are that she received a sum of ₹ 2.00 lacs from her husband through bank transfer.

Upon hearing learned counsel for the petitioner Mr. Vishal Goel, Advocate; learned State counsel Mr. H.S. Grewal, Addl. Advocate General, Punjab and on perusal of the records. Admittedly, the petitioner Jagjit Kaur happens to be wife of the principal accused Jagjit Singh and there is no specific role attributed to her in commission of the offence nor in making any false representation/embezzlement or criminal breach of trust. The fact that a sum of ₹ 2.00 lacs was transferred in her account by her husband, is a matter which can be adjudicated at the trial. Nothing is to be recovered from the petitioner. Therefore, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and her joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on her doing so she shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an

undertaking that she shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, she will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 28, 2020
rps

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