

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

CRM-M No.13135 of 2020
Date of decision: 28th May, 2020

Balwinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. A.S. Bhatti, Advocate for
Mr. Ritesh Pandey, 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 Balwinder Kaur, who is accused in case bearing FIR No.22 dated 09.03.2020 under Sections 420 IPC pertaining to Police Station Sri Hargobindpur, District Batala got registered on the complaint of one Gurnam Singh, has come up in this first anticipatory bail application under Section 438 Cr.P.C.

The brief allegations are that the complainant intended to sent his son Shamsher Singh abroad and came into contact with the principal accused non-applicant Nehchal Singh and the deal was struck for ₹ 13.00 lacs out of which the complainant claims that ₹ 10.00 lacs was given in

advance. When the principal accused failed to abide by the settlement and nor returned the amount, the present case was got registered.

The allegations against the present petitioner Balwinder Kaur mother of the principal accused Nehchal Singh, are that she accompanied her son when the complainant had handed over the passport and other documents to the principal accused.

Upon hearing learned counsel for the petitioner Mr. A.S. Bhatti, Advocate; learned State counsel Mr. H.S. Grewal, Addl. Advocate General, Punjab and on perusal of the records. As per the own admission of the learned State counsel, the only attribution to the petitioner is that she happens to be the mother of principal accused Nehchal Singh. To the specific query of the Court what specific role is attributed to the petitioner either in the allegations of payment of money or having represented the complainant for sending his son abroad, the learned State counsel fairly concedes that there is no such averment against her except that she accompanied the principal accused on the second trip to the house of the complainant when the latter delivered the documents. In the light of what has come up before the Court, it is a fit case to allow the prayer made and it would be a travesty of justice to send the petitioner in custody in the present case. 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