

S.No.101

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

CRM-M-27027 of 2020 (O&M)

Date of Decision:24.09.2020

Surinder Kaur alias Shindo

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vikas Gupta, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.144 dated 15.09.2019 registered under Section 420/120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 (added lateron) at Police Station Sarhali, District Tarn Taran.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not conducting any business of Travel Agent. The petitioner has never received any money from the complainant. Still further, it is submitted that although the complainant has alleged that the petitioner had taken her to Saharanpur for meeting with another co-accused, but the petitioner has never visited Saharanpur with the complainant. There is no other case against the petitioner. The petitioner shall join the investigation. The petitioner be protected against her arrest.

Notice of motion.

Mr. S.P.S. Tinna, Addl. AG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from SI Charan Singh, submits that there are specific allegations against the petitioner. She has taken about Rs.13 lakhs from the complainant for sending her son abroad. However, it is not disputed that except the bald statement, the complainant has not provided any material to show that any money was paid to the petitioner. It is also not disputed that there is nothing with the Police to even prima-facie suggest that the petitioner had ever taken the complainant to Saharanpur. Even qua the alleged partnership, there is no material with the prosecution despite the fact that one of the co-accused was already arrested by the Police. Still further, learned State Counsel has not disputed that there is no other case against the petitioner.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of her arrest, the petitioner shall be released on bail subject to her furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

September 24, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No