

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 04.03.2020

1. CRM-M No.53079 of 2019(O&M)

JassiPetitioner
Vs

The State of PunjabRespondent

2. CRM-M No.54438 of 2019(O&M)

Sukhwinder Kaur @ SonuPetitioner
Vs

The State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. K.S. Hissowal, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

Mr. Vivek K. Thakur, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

Vide this common order, CRM-M No.53079 of 2019 titled Jassi Vs. The State of Punjab and CRM-M No.54438 of 2019 titled Sukhwinder Kaur @ Sonu Vs. State of Punjab are being disposed of.

Since both the petitions have arisen from the same FIR,

therefore, facts are being taken from CRM-M No.53079 of 2019.

Prayer is for grant of anticipatory bail in case bearing FIR No.44 dated 02.09.2019 registered under Sections 420, 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act at Police Station Bholath, District Kapurthala.

Vide order dated 12.12.2019, following order was passed in CRM-M No.53079 of 2019:-

“Petitioner prays for grant of pre-arrest bail in a criminal case arising out from FIR No.44, dated 02.09.2019, registered under Sections 420/120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, at Police Station Bholath, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner is sought to be falsely implicated as she had filed a petition under Sections 12/18/20/22 of the Protection of Women from Domestic Violence Act, 2005 as the petitioner and son of the first informant used to reside together in a live-in-relationship.

Notice of motion for 15.01.2020.

On asking of the Court, Mr. SPS Tinna, Addl.A.G.,Punjab, accepts notice on behalf of the State. A copy of the petition be handed over to Mr.SPS Tinna, Addl.A.G.,Punjab, during the course of the day.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, 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.”

Similarly, in CRM-M No.54438 of 2019, notice of motion was issued on 19.12.2019 and the case was ordered to be heard along with CRM-M No.53079 of 2019.

Learned State counsel on instructions from ASI Harminder Singh and duly assisted by learned counsel for the complainant submitted that the petitioners have joined the investigation, but they have not co-operated with the investigating agency. Learned State counsel further submitted that the petitioner had already visited Uganda. The entries on their passports suggested that they had visited Uganda and Baba in the Gurdwara also endorsed the fact that they are involved in some fraudulent activities.

Learned counsel for the petitioners on the other hand, submitted that son of the complainant was having live-in relationship with Jassi. A complaint under Sections 12, 18, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 was filed by Jassi in which Amardeep, Sukhdev Singh and Gurmeet Kaur were ordered to be summoned by the Court. Now, a quashing petition is pending in the High Court against the said order of summoning. The aforesaid petition was filed after two months of complaint, but before lodging of FIR. A

complaint has also been filed by Jassi before SSP, Fatehgarh Sahib against Amardeep Singh, Sukhdev Singh and Gurmeet Kaur in respect of danger to her life and in the context of receiving an amount of Rs.2,50,000/-. The present FIR has been registered on the basis of complaint dated 18.06.2018.

Both the parties have version and cross-version in the context of live-in relationship and fraudulent activities of the petitioners and son of the complainant. The stand of the State and the complainant in terms of non-corporation by the petitioners is primarily relating to recovery of the amount. The complicity of the petitioners would be debatable in view of *inter se* allegations made by the parties and pendency of proceedings under Domestic Violence Act before the competent Court. Petitioners have joined the investigation. The complicity of the petitioners in terms of fraudulently usurp the money, would come to fore only after leading evidence by the parties.

In view of above, interim orders dated 12.12.2019 and 19.12.2019 are made absolute. However, the petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C which are as follows:-

- i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required;

- ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passports, if any.

Both the petitions stand disposed of.

04.03.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No