

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

Sr. No. 201(1)

CRM-M No. 13066 of 2021

Date of decision : 29.09.2021

Gurmit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms. Amandeep Kaur, Advocate for the petitioner.

Mr. Jagmohan S. Ghumman, DAG, Punjab.

Mr. Ankush Singla, Advcoate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 6 dated 28.01.2020 registered under Sections 420/120-B IPC at Police Station Mehal Kalan, district Barnala.

Briefly stated, the case of the prosecution is that the complainant was interested to go to Canada on permanent basis; the petitioner along with other co-accused introduced her to one Miraj Randhawa @ Miraj Tandon, who was living in Canada; the petitioner along with her co-accused told the complainant that she could get married to Miraj Randhawa @ Miraj Tandon and then go to Canada on permanent basis on a payment of Rs.55 lakh; Rs.2 lakh was handed over by the complainant's father to co-accused Kulwinder Singh, which in turn was handed over to the petitioner; the complainant's

farther gave Rs.45 lakh to the accused party and spent Rs.10 lakh on the complainant's marriage and after receipt of the money, the complainant was neither taken to Canada nor her/her father's money was returned.

Learned counsel for the petitioner submits that the petitioner, who is 39 years old house wife, has been falsely implicated in this case; it is complainant's husband who was unable to take her to Canada; the petitioner was merely a mediator in the marriage; no amount was ever entrusted by the complainant/her father to the petitioner; from the date of the lodging of the FIR the petitioner has always been available to the police for investigation purpose; the complainant's visa was rejected and in this regard attention of this Court is drawn to the letter (Annexure P-3); there is no other case in which the petitioner is involved and that under the interim order passed by this Court the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel admits to the fact that under the interim order passed by this Court the petitioner has joined the investigation and cooperated with the investigating agency as also that her custodial interrogation is not required by the State.

Learned counsel appearing for the complainant opposes the grant of anticipatory bail to the petitioner on the ground that she has made an active role in the crime she is accused of and that till date no recovery of money paid to her has been made.

After considering the totality of the above assertions made on behalf of the petitioner, but without commenting on the merits thereof, especially when the learned State counsel submits that the petitioner has

joined investigation; has cooperated with the investigating agency and that her custodial interrogation is not required, the interim order of this Court dated 22.03.2021 granting ad interim anticipatory bail to the petitioner is made absolute,

29.09.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No