

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

**CRM-M-21676-2021
Date of Decision : 03.06.2021**

Gurmeet Kaur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Virk, Advocate
for the petitioner.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.173 dated 08.04.2019 under Sections 201, 420 and 406 of the IPC and Sections 10 and 24 of the Immigration Act, registered at Police Station Pehowa, District Kurukshetra, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of complainant Sukhwinder Kaur, it is stated that approximately an amount of Rs.15,00,000 was paid to the husband of the petitioner namely Dalip Singh for sending the complainant abroad.

Learned counsel for the petitioner further submits that there are no direct allegations against the petitioner except that the petitioner was present when the amount was paid to co-accused Dalip Singh and Virender Singh.

Learned counsel for the petitioner further submits that the petitioner is an illiterate housewife aged about 60 years and has nothing to do with the commission of the said offence. It is further stated that the challan against Dalip Singh has already been presented and he has been released on regular bail vide order dated 10.12.2019 passed in CRM-M-22150 of 2019.

A perusal of aforesaid order shows that at the time when Dalip Singh was granted the concession of regular bail, one prosecution witness was already examined out of 10 prosecution witnesses and he had even relied upon the compromise.

Notice of motion.

Mr. Amit Aggarwal, DAG, Haryana, who is also appearing through video conferencing accepts notice on behalf of the respondent-State and submits that the compromise was not adhere to by Dalip Singh as the cheques issued by him to the victim were dishonoured by the Bank later on. However, it is not disputed that the petitioner is the wife of main accused Dalip Singh and there is no specific allegation against the petitioner of handing over the amount.

On a Court query, whether any amount was paid to the petitioner by way of any bank transaction, learned State counsel submits that except Rs.1,56,000/- which was paid to Dalip Singh through bank transaction, the remaining allegations are of making the payment in cash.

After hearing learned counsel for the parties, without expressing any opinion on the merits of the case, considering the fact that the petitioner is having no such record of involvement in any case; she is a housewife; she is aged about 60 years and the allegations against the petitioner is simple that she was present when the payment was made to co-accused Dalip Singh, the present

petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing her a written notice in this regard.

03.06.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No