

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25532 of 2021

Date of Decision: 20.07.2021

Swaran Kaur

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. TPS Tung, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.
Mr. Kuldeep Singh, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.127 dated 15.6.2021, under Sections 420 and 120-B IPC, registered at Police Station Sadar Sri Muktsar Sahib.

The FIR was registered on the statement of Arshdeep Singh and others. The basic allegations are that husband of Swaran Kaur (petitioner) was paid an amount of Rs.15,00,000/- for getting government jobs. After payment, neither any appointment letter was got nor the amount was refunded. Further allegation is that the cheques given for return of money were dishonoured.

Learned counsel for the petitioner submits that the petitioner had no active role. The only allegation is that the money was given in her presence. There is no case set up that the money was paid to the petitioner.

Learned counsel for the State appearing on advance notice on instructions from ASI-Gurpreet Singh opposes the grant of pre-arrest bail. She submits that it is a case of cheating where on the promise to get government job, the money was extracted.

Though the complainant has not been impleaded as a party, Mr. Kuldip Singh, Advocate puts in appearance on behalf of the complainant. He vehemently opposes the grant of anticipatory bail and submits that there are two more complaints pending against the petitioner and her husband.

Heard learned counsel for the parties and perused the paper book.

As per the allegations in the FIR, the payments were made to the husband of the petitioner and at some instance in her presence. There is legal notice served by the complainant for dishonouring of a security cheque. Considering the facts in totality, especially the role attributed, the petitioner is granted anticipatory bail subject to her joining investigation within two weeks. In the event of her arrest, the petitioner shall be released on bail subject to her furnishing adequate bail bonds to the satisfaction of the Arresting Officer. She is directed to join the investigation as and when called for. She shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

[AVNEESH JHINGAN]
JUDGE

20th July, 2021

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No