

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25934 of 2021
Date of Decision : 05.08.2021

Anjali Bath ...Petitioner

Versus

State of PunjabRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. G.S. Madaan, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.91 dated 11.04.2021, registered under Sections 420, 468, 471, 120-B IPC at Police Station Jandiala, Amritsar.

3. On 09.07.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of pre arrest bail to the petitioner in case FIR No.91, dated 11.04.2021, registered under Section 420, 468, 471, 120-B IPC, at Police Station Jandiala, Amritsar.

Learned counsel contends that the petitioner's family and the complainant's family are known to each other since years and the petitioner had given a sum of Rs.4,35,000/- through RTGS to Gurpreet Kaur-sister of complainant on 21.12.2019 but when the complainant's sister did not return the money, the petitioner's father-in-law filed a

complaint against Gurpreet Kaur on which no action was taken by the Commissioner of Police, Amritsar, whereafter, a criminal complaint was filed against the complainant's sister etc. on 26.06.2020 which is pending in the Court of the Judicial Magistrate First Class, Amritsar. The petitioner also served a legal notice on 04.07.2020 on Gurpreet Kaur and her brother i.e. complainant for return of the money lent by the petitioner, whereafter, the complainant, as a counter-blast got registered a FIR alleging having paid Rs.14 lacs to one Vishal Patel known to the petitioner's family for arranging visa for him and his wife for Australia and also booked tickets for himself and his wife costing Rs.2,13,994/- and on account of false visa having been given to him and his wife, incurred loss of Rs.65,332/- on account of ticket money and further alleging that the petitioner and her family in connivance with Vishal Patel had defrauded the complainant on the pretext of sending him to Australia.

Learned counsel further contends that the petitioner has been implicated in a false case as she is merely a housewife and has nothing to do with a travel agent least of all Vishal Patel, secondly, the petitioner and her family members have been implicated in the instant case as a counterblast to the complaint made to the Commissioner of Police, Amritsar and, thereafter, filing of complaint against Gurpreet Kaur and her brother i.e. the complainant to return the money lent by the petitioner as well as on account of issuance of legal notice to them. Learned Counsel further contends that the petitioner has clean antecedents and no previous criminal record, besides is ready and willing to join investigation.

Notice of motion.

Mr. Sukhbeer Singh, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent and on instructions from SI Tarsem Singh confirms the factual position noted above but requests for three weeks time to file reply.

Adjourned to 05.08.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to her furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions contained in Section 438(2) Cr.P.C., failing which, the interim protection granted to her shall stand vacated. ”

4. Today, learned counsel for the petitioner contends while learned State Counsel on instructions from *ASI Tarsem Singh*, confirms that pursuant to the order of this Court dated 09.07.2021, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and her custodial interrogation is not required.

5. In view of the statement of learned State Counsel, order dated 09.07.2021, passed by this Court, is made absolute. The petitioner shall continue to abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be deemed to be an expression of opinion on the merits of the case.

6. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

05.08.2021

'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>