

Inderjit Kaur

.....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Buta Singh Bairagi, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Neeraj Yadav, Advocate, for respondent no.4.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

On 25.08.2021, the following order had been passed by this
court:-

“Case heard via video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.5, dated 22.08.2020, having been registered at Police Station NRI, District Ludhiana Rural, alleging therein the commission of offences punishable under the provisions of Sections 406/498-A of the IPC (with Section 120-B IPC added later).

At the outset, it is to be noticed that the Registry has put up a note to the effect that though it has been mentioned to be the first such petition filed by the petitioner, however, earlier CRM-M-30021-2020 was also filed under the provisions of Section 438 of the Cr.P.C., by the same petitioner (along with her husband), which was disposed of by this court on 30.10.2020.

Upon query to learned counsel, he submits that since that was a petition seeking 'blanket bail' for the petitioner and this one is specifically for anticipatory bail in the context of the FIR in question, that is why he has shown it to be the first petition, though otherwise he has duly referred to the previous petition filed, in the body of this petition, with him also having annexed copies of the orders passed in that petition by this court.

Whereas, correctly, since both the petitions have been filed under the provisions of Section 438 of the Cr.P.C. in the context of the same FIR, this should not have been termed as the first such petition, but since there is no active concealment as regards the first petition, nothing further is being said by this court in this regard except that it shall be treated as the 2nd petition under the provisions of Section 438 of the Cr.P.C., in the context of the FIR in question.

In the present petition, learned counsel for the petitioner submits that the petitioner is the mother-in-law of the complainant and even as regards the money as is alleged to have been transferred by the complainant, it was into the account of the petitioners' husband and not the petitioners' account, with her husband already having been admitted to bail under the provisions of Section 439 of the Cr.P.C.

Notice of motion.

Mr. Sukhbeer Singh, AAG, Punjab, accepts notice at the asking of the court on behalf of respondents no.1 to 3.

Respondent no.4 be served by normal process.

Upon query to him he submits that as per his instructions, the money was indeed transferred to the husband of the petitioner.

That being so, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and if, upon her so joining, she is sought to be arrested, she shall be released on interim bail, upon her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

She shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, she would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 12.10.2021.”

Today, learned State counsel submits that though the petitioner has joined investigation but the money that was transferred to her husbands' account by her daughter-in-law (5500 Canadian dollars, stated to be equivalent to Rs.33000 at the relevant time), has not been handed over by the petitioner or her husband, with learned counsel for the complainant submitting that though that was the statement made by them before the trial court itself, that they would return the money, that has not been done, with the petitioners' husband having been admitted to bail under the provisions of Section 439 of the Cr.P.C.

Upon query to him as to whether the money was actually

transferred to the petitioner or her husband, he fairly submits that it was transferred to the husband of the petitioner through the Western Union Company.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 25.08.2021 made absolute on the same terms and conditions.

October 12, 2021

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO