

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 203

CRM-M-34849-2020

Date of decision : 25.01.2021

Lata Devi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.K.S.Bal, Advocate, for the petitioner.

Ms.Bhavna Gupta, DAG, Punjab.

Mr.Munish Puri, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.93 dated 28.08.2020, registered under Section 420 IPC, Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Behrampur, district Gurdaspur.

Briefly stated, the case of the prosecution is that Balwinder Kumar and his wife (petitioner) allured the complainant that if he gives Rs.14 lakhs to them then their relative Mausam Dass would send him to Canada. The complainant was then introduced to Mausam Dass, who told him that he would send him to Portugal and on the demand of the accused persons the complainant gave them Rs.11,69,440/-. Thereafter Mausam Dass took the complainant twice to Ukraine from where he was deported from the airport itself. The complainant then demanded his money from Balwinder Kumar and Mausam Dass but they refused to return the same.

Learned counsel for the petitioner submits that the petitioner who is a 48 years old lady, has been falsely implicated in the present case only for the reason that she is Balwinder Kumar's wife; she is not involved in any other criminal case; even if the contents of the FIR are taken as the gospel truth, though vehemently denied, there is no specific entrustment of any amount to her; no active role is even alleged against her with regard to taking the complainant to Ukraine; the main allegations are against Balwinder Kumar and Mausam Dass and that under the interim orders passed by this Court the petitioner has not only joined the investigation but has also fully cooperated with the investigating agency.

Learned State counsel submits that under the interim orders passed by this Court the petitioner has shown her *bona fide* by joining the investigation and cooperating with the investigating agency and that her custodial interrogation is not required by the State.

Keeping in view the totality of the above noticed facts especially the statement made by the learned State counsel that the petitioner has joined the investigation and that her custodial interrogation is not required, the order of this Court dated 30.10.2020, granting *ad interim* anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

25.01.2021

shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No