

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(235)

CRM-M-41176-2020
Date of decision: - 27.10.2021

Binder Kaur @ Binder Pal Kaur

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sarbjit Singh Grewal, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioner is seeking anticipatory bail in FIR No.31 dated 19.02.2020, under Sections 420 & 34 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Cantt. Bathinda, District Bathinda.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court on 09.12.2020. Order dated 09.12.2020 is as under:

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for

grant of anticipatory bail in case FIR No.31 dated 19.02.2020 registered under Section 420 read with Section 34 of the Indian Penal Code, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered in Police Station Cantt Bathinda, District Bathinda.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. As per the allegations made in the FIR, the petitioner allegedly cheated Amrit Pal Kaur by dishonestly inducing her to pay sum of Rs.1,65,000/- on fraudulent assurance of sending her daughter to Malaysia on work visa. The daughter of the complainant was sent to Malaysia who is working there. Present FIR has been lodged after about 1 year of the alleged occurrence just to grab money from the petitioner. The petitioner is not involved in any other case of similar nature. The petitioner is ready to join the investigation and her custodial interrogation is not necessary in the case.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Sukhbeer Singh, Asstt. A.G. Punjab has appeared and accepted notice on behalf of the respondent-State.

In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for just and proper decision of the petition. Therefore, the complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

Learned State Counsel seeks time to file reply.

Adjourned to 11.02.2021.

Notice to newly added respondent No.2 be issued for that date and notice be also given dasti, if so desired.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do. In the event of her arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by her to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which she shall not be entitled to the protection of interim bail allowed to her.”

Learned State counsel, on instructions from ASI Jagjeet Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and is not required for further interrogation, at this stage.

In view of the above, the order dated 09.12.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The present petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

October 27, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No