

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 216
(Heard through Video-Conferencing)

CRM-M No.47713 of 2021
Date of Decision: 18.11.2021

Amandeep Kaur

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Deepak Gupta, Advocate, for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR bearing No.226 dated 28.07.2021 under Section 420 IPC registered at Police Station City Faridkot, District Faridkot,.

Learned counsel for the petitioner has submitted that the petitioner is a lady aged 44 years and has submitted that it is an unfortunate case where after the arrest of the petitioner, her son committed suicide. He submitted that allegation against the petitioner in the FIR was that she had taken an amount of about Rs.5,00,000/- from the complainant for sending her son abroad. Some of the amount was taken by cash and some was allegedly taken by cheque. He submitted that even as per the FIR, the complainant and the petitioner are distant relatives and in fact, some money was taken as a loan. Thereafter, some differences arose with regard to the

petitioner by making a concocted story. He submitted that the petitioner is facing incarceration from 17.09.2021 and now the family circumstances are such which may also be considered for the grant of bail to the petitioner. He submitted that even otherwise also the investigation of the case is already complete and challan has been presented and the entire case is based upon the documentary evidence. He further submitted that the petitioner is not a habitual offender and is not involved in any other case.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 17.09.2021 and the investigation is already complete and the challan has been presented before the competent Court. He has not disputed the fact that the petitioner is not involved in any other case. He has further opposed the grant of bail on the ground that the money is yet to be recovered from the petitioner.

| I have heard learned counsel for the parties.

Submission made by learned counsel for the State that money is yet to be recovered from the petitioner, therefore, she is not entitled for bail, is not sustainable. He further submitted that some pre-deposit should be made by the petitioner in order to entitle her for bail. This Court is of the view that such kind of condition cannot be imposed as pre-condition for grant of bail. Furthermore, it is not the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper with evidence or may flee from justice.

Therefore, considering the totality of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to

the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

18.11.2021
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(JASGURPREET SINGH PURI)
JUDGE

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