

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM-M-48733-2019

Date of decision:- 29.09.2021

Kashmir Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gaurav Chopra, Senior Advocate with
Mr. B.S.Jaswal, Advocate and
Mr. Anurag Chopra, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sangram Singh Saron, Advocate with
Ms. Surabhi Kaushik, Advocate for the complainant.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

While granting interim protection to the petitioner, this Court
passed the following order on 18.11.2019:-

*“The present petition has been filed by the
petitioners under Section 438 Cr.P.C for grant of
anticipatory bail in case FIR No. 103 dated 27.4.2019
registered under Sections 420/120B IPC at Police
Station Beas, District Amritsar.*

It is contended by learned counsel for the petitioners that the allegations against the petitioners is that the complainant had given money to the husband of petitioner No.2, and his family members were present when the complainant gave the money to the husband of petitioner No.2 and son of petitioner No. 1. This money is alleged to have been given in the year 2017 for establishing the transport business in Dubai on behalf of the complainant. However, the complainant is factually incorrect in these allegations, because the complainant was already having a transport business in Dubai since the year 2016. Still further it is contended that there is no documentary evidence to show that the complainant actually transferred any money to the petitioners or to the husband of petitioner No.2. Still further, it is contended that the complainant is habitual of black mailing people by lodging these kinds of false complaints. The counsel has referred to 3 more similar FIRs, lodged at the instance of the complainant.

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the State and Mr. G.S. Simble, Advocate, accepts notice on behalf of the complainant.

Adjourned to 18.2.2020.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Upon instructions, learned State counsel submits that the petitioners have joined the investigation and they are no longer required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 18.11.2019 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

29.09.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No