

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-496 of 2022

Date of Decision:-21.03.2022

Kamaljit Kaur @ Komal @ Paramjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. B.S. Toor, Advocate for
Mr. Jagmeet Singh Moudgill, Advocate
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

Petitioner is seeking anticipatory bail in FIR No.144 dated 21.8.2020, under Sections 420 and 120-B IPC, registered at Police Station Jhunir, District Mansa.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 14.1.2022. Order dated 14.1.2022 is as under:-

“ CRM-1247-2022

Present application has been filed for placing on record the copy of FIR No.150 dated 09.08.2020 as Annexure P-7 and bail order of co-accused Jaspal Kaur in FIR No.131 dated

22.08.2020 as Annexure P-8.

Keeping in view the averments made in the application, the same is allowed and Annexures P-7 and P-8 are permitted to be taken on record.

CRM-M-496-2022

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.144 dated 21.08.2020 registered under Sections 420, 120-B of the Indian Penal Code, 1860 at Police Station Jhunir, District Mansa.

Learned counsel for the petitioner argues that the allegation in the present petition is that the petitioner got married to one Sanjay Kaushik in a fraudulent manner so as to dupe him and had taken a sum of Rs.1,30,000/- from the said Sanjay Kaushik. Learned counsel for the petitioner submits that along with the petitioner, one Jaspal Kaur and Balkar Singh have been arrayed as co-accused alleging similar allegations and a Coordinate Bench of this Court while deciding CRM-M-38509-2020 (petition filed by Jaspal Kaur) and CRM-M-36894-2020 petition filed by Balkar Singh) has extended the concession of anticipatory bail to the co-accused wherein, it has already come on record that no marriage ceremony had taken place so as to invite the allegations being alleged. Learned counsel for the petitioner further submits that the allegation against the petitioner and co-accused Jaspal Kaur and Balkar Singh are identical in nature and therefore, the petitioner may kindly be extended the benefit of anticipatory bail as she is ready to join the investigation and cooperate with the same.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of

petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the petitioner is involved in another case involving similar allegations, though the same has been registered on the basis of secret information. Learned counsel for the respondent-State further submits that the conduct of the petitioner is such that she had got an FIR registered against Inderjit Singh, Sukhdev Singh and Charanjit Singh alleging rape, which allegations were found incorrect and the FIR was cancelled, hence, keeping in view the serious allegations alleged against the petitioner, the custodial interrogation of the petitioner is necessary.

Learned counsel for the respondent-State concedes the factum that the similarly situated co-accused namely Jaspal Kaur and Balkar Singh have already been extended the benefit of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the allegations against all the accused in the present FIR are identical in nature and the similarly situated co-accused namely Jaspal Kaur and Balkar Singh have already been extended the benefit of anticipatory bail by a Coordinate Bench of this Court, on the ground of parity, the petitioner is also extended the same benefit especially when no differentiating fact between the petitioner and the co-accused has been brought to the notice of this Court coupled with the fact that the petitioner has undertaken before this Court to join the investigation and cooperate with the same.

Petitioner is directed to join the investigation forthwith.

In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to his/her

satisfaction subject to the following conditions:

(i) That she shall make herself available for interrogation by the police officer as and when required.

(ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 21.03.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State shall be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Balbir Singh states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 14.1.2022 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. He 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 petition stands disposed of.

March 21, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No