

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3481-2022 (O&M)
Date of Decision:-25.3.2022

Balbeer Kaur @ Balbir Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yogesh Goel, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Shamsheer Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No. 10 dated 25.11.2021, Police Station NRI, District Moga, under Sections 420 and 120-B of the Indian Penal Code, 1860.
2. At the time of issuance of notice of motion, the following order was passed on 28.1.2022:

“Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 10 dated 25.11.2021, under Sections 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station NRI, District Moga.

Learned counsel for the petitioner contends that it is alleged that the daughter of the petitioner had taken a sum of Rs.9,00,000/- from respondent No. 2 (complainant) on the pretext of taking her son to Canada after solemnizing their marriage. He, however, contends that the FIR is the outcome of a matrimonial dispute between the daughter of the petitioner and son of respondent No.2 (complainant). He also contends that prior to the marriage, the daughter of the petitioner and son of respondent No. 2 (complainant) were residing in Cyprus and thereafter they had developed matrimonial differences. The daughter of the petitioner had gone to Canada on 26.06.2019 and had been employed there. This FIR has been registered 2½ years thereafter on 25.11.2021.

Issue notice to the respondents.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of respondent No. 1.

List on 03.03.2022.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of her arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to her/his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Shamsher Singh, has informed that pursuant to interim directions although the petitioner has joined investigation but the amount in question has not been got recovered.
4. I have considered rival submissions addressed before this Court.
5. The petitioner cannot be forced to get the amount in question recovered since she is disputing the same. In any case, since the petitioner is a lady and has already joined investigation, her custodial interrogation is not warranted. The

petition, as such, is accepted and the interim directions issued by this Court vide order dated 28.1.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

25.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No