

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

206)

CRM-M-5805-2021

Date of Decision: 19.01.2022

Jasnoorpreet Kaur

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Karanjit Singh, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

Case heard *via* video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.19, dated 28.06.2020, having been registered at Police Station Vigilance Bureau, District Amritsar, alleging therein the commission of offences punishable under the provisions of Sections 409/420/465/466/467/468/471/477-A/120-B of the IPC.

On 11.02.2021, the following order was passed by this court (co-ordinate bench):-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel contends that the petitioner, a young lady has been implicated in a false case at the behest of her husband against whom she has registered an FIR under Sections 406, 498-A

and that anticipatory bail was refused to her, solely on the ground that her marriage certificate with one Jobanreet Singh had not been got recovered by her, although she was given opportunity twice for the same, whereas as per the record produced by the Vigilance Bureau, it was the petitioner's father, who is alleged to have received the said certificate.

Learned counsel contends that the petitioner is ready and willing to join investigation as and when required.

Notice of motion.

Mr. Hittan Nehra, learned Addl. A.G., Punjab, accepts notice and requests for time to obtain instructions.

List on 22.03.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail subject to her furnishing bail bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to her, shall stand vacated.

Original record available with the Vigilance Bureau in respect of receipt of alleged marriage certificate of the petitioner with one Jobanreet Singh be produced on the next date."

Thereafter, an affidavit dated 25.03.2021 was filed on behalf of the respondent State, from which learned State counsel points to the fact that even as per the record available with the Registrar of Marriages, Amritsar-II, the petitioner had received the original marriage certificate in respect of her first marriage (as contended), but she was not co-operating in getting the certificate recovered.

Looking at the nature of the offence alleged to have been committed, in my opinion if any such marriage has been duly registered, as per the case of the investigating agency, obviously such evidence would be

obtained from the Registrar. Hence, recovery or non-recovery of the original marriage certificate may not be ground enough to deny the petitioner the concession of bail.

Consequently, without making any comment whatsoever on the actual merits of the case, the petition is allowed, with the order dated 11.02.2021 made absolute, on the same terms and conditions.

January 19, 2022

dharamvir//

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking : Yes
Whether reportable: Yes