

CRM-M-9983-2020 (O&M)

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

**CRM-M-9983-2020 (O&M).
Decided on: March 15, 2022.**

Mohinderjit Kaur

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Paras Jagga, Advocate,
for the petitioner.**

Mr.K.S.Sidhu, DAG, Punjab.

**Ms.Nisha Rani, Advocate, for
Mr.Umesh Sharma, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in FIR No.0019 dated 10.02.2019, under Sections 406 and 420 IPC and under Section 24 of the Immigration Act, registered at Police Station Garhshankar,

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District Hoshiarpur.

On 13.9.2021, this Court had granted interim bail to the petitioner subject to compliance of the conditions as envisaged by Section 438 (2) Cr.P.C.

The learned counsel for the petitioner has submitted that in pursuance of the aforesaid order, the petitioner has joined the investigation and has fully cooperated with the investigation process. He submitted that the matter was sent to the District Mediation and Conciliation Centre, Hoshiarpur, but the mediation proceedings have failed.

It has been further submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of 74 years and is suffering from number of ailments. He submitted that in the present case the facts are that the petitioner and her daughter had taken an amount of Rs.74 lacs out of which Rs.53 lacs were transferred in the name of the petitioner from the complainant on the pretext of sending two persons abroad but neither those persons were sent abroad on PR basis nor the money was returned. He submitted that the petitioner is a retired Govt. employee and in fact, her unmarried daughter who is also a co-accused in the present case and was living with her and since the petitioner is a chronic patient of diabetes, hypertension and other ailments, her account was also being handled by her daughter and in this way, the amount was transferred in the account of the petitioner but the same was again taken care of by the daughter of the petitioner and in fact, the petitioner had no knowledge

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regarding the same. He submitted that thereafter, unfortunately the daughter of the petitioner died and the aforesaid amount which was transferred in the account of the petitioner is also not in existence in the account of the petitioner. He further submitted that the petitioner who is a lady of the age of 74 years and has already joined investigation and since the mediation has also failed, the custodial investigation of the petitioner would not be required in the present case.

On the other hand, learned State counsel has submitted that in pursuance of the orders passed by this Court, the petitioner has joined the investigation. However, the recovery has not been effected.

I have heard the learned counsel for the parties.

In pursuance of order dated 13.9.2021, the petitioner has joined investigation and has fully cooperated with the investigation process. Petitioner is a lady of the age of 74 years and as stated aforesaid by learned counsel for petitioner that she is suffering from chronic ailments. The subject matter of the case pertains to financial dispute and as per the learned counsel for the parties, the daughter of the petitioner who was also a co-accused in the present case and was handling the account of the petitioner as she herself could not manage her account has unfortunately died and the amount was transferred in her name by her daughter without knowledge of petitioner. The non-recovery of the amount from the petitioner cannot become a ground for denial of bail to the petitioner.

Therefore, considering the aforesaid facts and

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circumstances of the present case, this Court deems it fit and proper to grant the concession of anticipatory bail to the petitioner. Consequently, the present petition is allowed. Interim order date 13.9.2021, is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

March 15, 2022	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No