

201
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18368-2021

Date of Decision: 11.01.2022

Balwinder Kaur

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.123 dated 02.03.2021, under Sections 406,420,506 IPC, registered at Police Station Assandh, Karnal.

The learned counsel for the petitioner has submitted that as per the allegations contained in the FIR, one Ratti Ram who is also a co-accused in the present case had allegedly taken some amount of money from the villagers on the pretext of securing Government job and the amount was also deposited in his name. However, so far as the present petitioner is concerned, she is a lady of 66 years of age and is a widow but since the petitioner was residing in a live-in-relationship with the aforesaid

Ratti Ram, her name was mentioned as a nominee in the bank account of the aforesaid Ratti Ram who had died in the year 2020. He submitted that so far as the petitioner is concerned, she has got nothing to do with the aforesaid allegations and the mere fact that her name was nominated by the aforesaid Ratti Ram, she cannot be held liable for any amount which were taken by the aforesaid Ratti Ram. He further submitted that vide order dated 20.07.2021 this Court had granted interim bail to the petitioner and in pursuance thereof the petitioner has joined investigation and she has fully cooperated with the investigation process and, therefore, he has prayed that order dated 20.07.2021 may be made absolute.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has stated that the reply has been filed by the State by way of an affidavit. While referring to the reply filed by the State, he submitted that the petitioner was having conspiracy with the aforesaid Ratti Ram and, therefore, since it was a case of cheating, the petitioner does not deserve the concession of anticipatory bail. He has however submitted that in pursuance of the orders passed by this Court the petitioner has joined investigation but so far as the factum of cooperating with investigation process is concerned, since the recovery of the amount is yet to be made, the petitioner does not deserve the concession of anticipatory bail. He further submitted that it is correct that an amount of Rs. 6,20,000/- was transferred in the name of the co-accused Ratti Ram and so far as the present petitioner is concerned, she was only a nominee in the bank account of the aforesaid Ratti Ram.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court on 20.07.2021 the petitioner has joined investigation as per the stand taken by the learned State counsel. However, the only objection which has been raised by the learned State counsel is that the amount is yet to be recovered. As per the facts and circumstances of the case, the petitioner is widow lady of the age of 66 years and since allegedly she was in live-in-relationship with the co-accused Ratti Ram in whose name the amount was transferred, the point for consideration would be as to whether the petitioner can be denied bail only on the ground that the amount has not been recovered from co-accused Ratti Ram who has died in the year 2020.

This Court is of the considered opinion that after the passing of the orders passed by this Court while granted interim protection to the petitioner, she has already joined investigation but the petitioner cannot be denied bail only on the ground that the amount is yet to the recovered.

In view of the above, the present petition is allowed and the order dated 20.07.2021 is hereby made absolute.

11.01.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No