

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-25174-2022

Date of decision : 16.08.2022

Balwinder Kaur @ Binder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Prateek Pandit, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.74 dated 13.05.2022 registered under Sections 406, 420, 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Adampur, District Jalandhar (Rural).

On 02.06.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, even as per the FIR, the primary allegations have been levelled against Jaswinder Kumar and the present petitioner has been implicated on account of being the relative of the said Jaswinder Kumar. It is further submitted that even, if the entire case of the prosecution is taken to be true on its face value, then, the amount that has been allegedly given to the petitioner is Rs.86,300/- and the petitioner, without prejudice to her rights and without admitting her liability, is ready to pay the said amount of Rs.86,300/- to the complainant.

Notice of motion for 16.08.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to prepare a demand draft amounting to Rs.86,300/- in the name of the complainant which would be handed over to the concerned Investigating Officer within a period of 15 days from today and the Investigating Officer would give the receipt to the petitioner on receiving the said demand draft and the Investigating Officer is further directed to give the said demand draft to the complainant and take receipt from the complainant regarding the same.

It is made clear that in case, the abovesaid demand draft is not handed over to the Investigating Officer within the aforesaid time, then the interim order granted in favour of the petitioner would be liable to be vacated.

02.06.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, a demand draft of Rs.86,300/- in the name of the complainant has been given to the Investigating Officer and the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Robinson Bali, has submitted that the draft given by the petitioner has been given to the complainant and the petitioner has joined investigation on 16.06.2022 and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 02.06.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 02.06.2022 is made absolute.

opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 16, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No