

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26635-2022

Date of decision : 16.08.2022

Surinder Kaur alias Satinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Satnam Singh Thakur, 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.124 dated 31.07.2020 registered under Sections 406, 420 IPC and Section 24 of the Immigration Act at Police Station Bullowal, District Hoshiarpur.

On 16.06.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner is seeking anticipatory bail in FIR No. 124 dt.31.07.2020 under Sections 406, 420 of IPC and Section 24 of the Immigration Act registered at Police Station Bullowal District Hoshiarpur, Punjab.

As per the allegations in the FIR, the petitioner and others took money from the complainant to send her son abroad in 2018, that they destroyed the passport of her son that they created fake documents, but did not send him abroad. The complaint appears to be made on 05.03.2019, and the FIR was registered on 31.07.2020.

Counsel for the petitioner states that the petitioner is innocent, and there is no material to show that any payment was

in fact made to the petitioner since all the payment are said to be in cash, and there is nothing in writing taken by the complainant from the petitioner, and so the whole story of the complainant cannot be believed.

Notice of motion for 16.08.2022.

At the asking of the Court, Mr. Karanbir Singh, AAG, Punjab accepts notice on behalf of the respondent/State.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer and join investigation.

In the event of his arrest, the Investigating/Arresting officer shall release the petitioner on ad interim bail subject to his satisfaction, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.

(M.S. RAMACHANDRA RAO)
JUDGE

June 16, 2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Naresh Kumar, has submitted that the petitioner has joined investigation on 24.06.2022 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 16.06.2022, 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 16.06.2022 is made absolute.

Nothing stated above shall be construed as an expression of 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