

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34479-2021 (O&M)
Date of Decision:- 5.1.2022

Kulwant Kaur @ Kako

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jaspreet Singh Brar, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Gurdit Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against her vide FIR No.194, dated 22.6.2021, Police Station City Faridkot, District Faridkot, under Section 420 IPC
2. At the time of issuance of interim directions the following order was passed on 24.8.2021:

“The petitioner seeks grant of anticipatory bail in a case registered against her vide FIR No.194, dated 22.6.2021, Police Station City Faridkot, District Faridkot, under Section 420 IPC, which was lodged at the instance of Balvir Singh wherein it is alleged that the petitioner had gone abroad while on bail in an earlier case i.e. matter pertaining to FIR

No. 71, dated 2.8.2018, Police Station Sadar Kotkapura, District Faridkot, under Section 420, without taking permission from the Court.

It is further alleged in FIR that the petitioner had even obtained a Passport though FIR was pending against her.

Learned counsel for the petitioner fairly submits that the petitioner had left the country in January, 2020 and had not taken any permission from the Court and in fact when she had left the country even the challan had not been presented in the earlier case and she had to leave the country under some compelling circumstances inasmuch as her daughter who is settled in New Zealand was to deliver a baby and therefore, she has planned to visit her daughter in order to help her as there is none else in family of her daughter and that although she had planned to go for about a month only but on account of Covid-19 she was struck up in New Zealand and returned back in August 2020 when the flights had resumed.

Learned counsel has submitted that it is only after the petitioner came back to India that the challan was presented on 18.8.2020 and thereafter charges were framed on 12.8.2021 and she was regularly appearing before the trial Court. Learned counsel has submitted that it was solely on account of the fact that she was not fully aware about the procedure and on account of the fact that she could not decline the request of her daughter to help and assist her during the time of delivery of child that she had to go and that she has otherwise been regularly appearing and is ready to surrender her Passport. It is further submitted that under the aforesaid circumstances no offence under Section 420 IPC is made out.

Notice of motion for 5.1.2022.

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

3. The learned State counsel, upon instructions from ASI Gurdit Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that her custodial interrogation is not required. It has also been informed that the petitioner is not wanted in any other case.
4. In view of the aforesaid submission, the petition is accepted and the interim directions issued by this Court vide order dated 24.8.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

05.1.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No