

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

222

**CRM-M-40321-2022
Decided on : 15.12.2022**

Jagmeet Kaur @ Gurmeet Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rajesh Bhatheja, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Order dated 05.09.2022 passed by this Court, says as under:

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 420 and 120-B IPC, in a case arising out of FIR No. 75, dated 15.04.2022, registered at Police Station City, Kotkapura, District Faridkot.

Learned counsel for the petitioner contends that as per allegations in the FIR, admittedly there is no role of petitioner in any manner in demanding the alleged amount or promising to send complainant's son abroad or alluring the complainant party for passing on the amount to main accused, namely, Kanwaljeet Kaur, Ajay Singh Dhaliwal and Gurpreet Singh Dhaliwal. Learned

counsel further submits that allegedly total amount of Rs.9,00,000/- has been paid by the complainant for sending his son abroad to aforementioned accused, but not a single penny is alleged to have been paid to the petitioner. Learned counsel also stated that petitioner is about 71 years old lady, who is maternal grand-mother (Nani) of accused – Ajay Singh Dhaliwal and Gurpreet Singh Dhaliwal.

Learned counsel further submits that the only role of the petitioner as disclosed in the FIR is that after settling of the dispute between both the sides, three cheques which were given to the petitioner by main accused, were handed over to the complainant, which later on were bounced due to insufficiency of funds.

In the backdrop of aforementioned, learned counsel for the petitioner submits that no offence whatsoever is made out against the petitioner, rather police is harassing the petitioner unnecessarily.

Notice of motion.

On the asking of the Court, Mr. Anmol Singh Sandhu, Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and prays for some time to seek instructions.

Adjourned to 15.12.2022.

In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the

Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.”

Learned counsel for the petitioner contends that in compliance of the aforesaid order dated 05.09.2022, passed by this Court, petitioner has joined the investigation.

Learned counsel for the State on instructions from ASI Gurmail Singh, confirms the said averments and submits that custodial interrogation of the petitioner is not required for the purpose of investigation. He also produces a status report dated 14.12.2022 and same is taken on record. Registry is directed to tag the same at appropriate place.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the ad-interim order dated 05.09.2022 is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

Disposed of.

(SANJAY VASHISTH)
JUDGE

15.12.2022
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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*