

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-44736-2022

Date of decision : 31.10.2022

Mandeep Kaur Monga @ Sunaina

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr. Raminder Singh Joon, Advocate for  
Mr.Harchand Singh Batth, Advocate  
for the petitioner.

Mr.Iqbal S.Mann, DAG, 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.79 dated 20.05.2022 registered under Sections 420, 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act 2014 at Police Station Majitha, District Amritsar Rural.

On 27.09.2022, this Court was pleased to pass the following order:-

*“Inter alia, contends that in the present case there is a delay in registration of the present FIR, inasmuch as, the incidents in question took place between September, 2018 and December, 2018, whereas, the complaint has been filed on 31.01.2020 and the FIR has been registered on 20.05.2022 after due deliberation and consultation. It is further submitted that even as per the FIR, no amount has been deposited in the account of the present petitioner and the present petitioner is a homemaker and has been implicated in the case only on account of the fact that she is the wife of the main accused, namely, Gaurav Monga. It is also submitted that the*

*petitioner is not known by the name Sunaina and said Sunaina could very well be somebody else who was working in the Travel Agency of her husband. It is stated that the petitioner is not involved in any other case and in order to show her bona fide, is ready to give an amount of Rs.50,000/- to the complainant, without admitting her liability.*

*Notice of motion for 28.10.2022.*

*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 of Rs.50,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of three weeks days from today, who shall further handover the same to the said complainant. It is made clear that in case, the demand draft of Rs.50,000/- is not given to the Investigating Officer prepared in the name of the said complainant within a period of three weeks days from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.*

*The payment of the abovesaid amount of Rs.50,000/- would not be construed as an admission of guilt by the petitioner.”*

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has handed over a demand draft of Rs.50,000/- in the name of the complainant to the Investigating Officer.

Learned State counsel, on instructions from SI Tarlok Singh, has submitted that the petitioner has joined investigation and is not required for further investigation and has reiterated the fact that the petitioner has handed over a demand draft of Rs.50,000/- in the name of the complainant to the Investigating Officer and the Investigating Officer has handed over the said demand draft to the complainant.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 27.09.2022, 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 27.09.2022 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

October 31, 2022  
*Davinder Kumar*

|                             |        |
|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |