

**204-A IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-52528-2021

Date of Decision: 22.02.2022

Balbir Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Sobti, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.84, dated 11.11.2021, under Sections 420 and 34 of the IPC, registered at Police Station Ghuman Kalan, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of the order dated 16.12.2021, passed by this Court, which is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.84 dated 11.11.2021 registered under Sections 420 & 34 of the IPC at Police Station Ghuman Kalan, District Gurdaspur.

Learned counsel for the petitioner argues that the only allegation against the petitioner is that she had gone to the village of the complainant claiming that her son, who is settled abroad can secure visa and employment for the people at a particular cost. Learned

counsel for the petitioner submits that in the FIR, there is no allegation against the petitioner that any amount has been given to her and the allegations are against her son namely, Maninder Singh and husband namely, Balwant Singh and nothing is to be recovered from the petitioner and as she is ready to join and cooperate in investigation, she may kindly be extended the benefit of anticipatory bail.

Notice of motion for 22.02.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who is present in the Court accepts notice on behalf of the respondent-State.

Learned State counsel concedes the factum that in the FIR, there is no allegation that any amount was paid to the petitioner rather, the payment was made by the complainant to her son namely, Maninder Singh and husband namely, Balwant Singh.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

A bare perusal of the FIR would show that the allegations relate to the year 2017 and the FIR has been registered in the year 2021, Furthermore, the allegations with regard to the fact that the petitioner had gone to the village of the complainant claiming that her son can secure visa and employment to the people in abroad, is a matter of evidence, which will come on record during the course of trial and as nothing is to be recovered from the petitioner, she has made out a case for the grant of anticipatory bail.

The petitioner is directed to join the investigation forthwith. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to the satisfaction of

the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That she shall make himself available for interrogation by the police officer as and when required.

(ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Kulwinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 16.12.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is

not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

22.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No