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

**CRM-M-5357-2022**

**Date of Decision: 27.02.2023**

Rajwinder Kaur

....Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Akash Manocha, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Mr. Sohrab Dhanda, Advocate for  
Mr. Amandeep Singh Manaise, Advocate  
for the complainant.

**HARSH BUNGER, J. (Oral)**

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0142 dated 10.11.2021, registered under Sections 420, 406, 120-B of Indian Penal Code, registered at Police Station Sadar Gurdaspur, District Gurdaspur.

On 02.03.2022, the following order was passed by a co-ordinate Bench of this Court :-

*“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.0142 dated 10.11.2021 registered under Sections 420, 406 and 120-B of the IPC at Police Station Sadar Gurdaspur, District Gurdaspur.*

*Learned counsel for the petitioner argues that the complainant is a relative (Massad) of the petitioner and the person, who was to be sent to abroad, is a first cousin of the petitioner and the petitioner only introduced the complainant with the travel agent namely, Sukhjinder Singh, who had actually not only defrauded the complainant but, even the petitioner as well. Learned counsel for the petitioner submits that it is a matter of fact that whatever amount of money was*

*given to the petitioner by the complainant, the same was only for forwarding it to the travel agent and there is no allegation against the petitioner of demanding any amount from the complainant to send his son abroad.*

*Learned counsel for the petitioner further submits that it has already come on record that money, which was given to the petitioner by the complainant was duly forwarded to the account of the travel agent Sukhjinder Singh and it is the said travel agent, who has defrauded everybody. Learned counsel for the petitioner submits that to show the bonafide, the petitioner is ready to pay a sum of Rs.2,00,000/- to the complainant from her own pocket though, she has not retained any amount of money, which was paid to her by the complainant. Learned counsel for the petitioner further submits that as nothing is to be recovered from the petitioner and she is ready to join and cooperate in investigation, she may kindly be extended the benefit of anticipatory bail.*

*Notice of motion for 21.04.2022.*

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

*Learned State counsel submits that as per the allegations alleged against the petitioner, Harmanjit Singh was to be sent to Canada by travel agent, Narinderpal Singh and his associate Sukhjinder Singh and the complainant was introduced to the said agent by the petitioner; though, it is a conceded position that the petitioner and the complainant are relative. Learned State counsel further submits that as of now, it has already come on record that the amount received by the petitioner was transferred to the bank account of the Sukhjinder Singh though, association of the petitioner with the said Sukhjinder Singh is yet to be established during the investigation hence, to ascertain all the facts and to unearth the truth behind the allegations alleged, custodial interrogation of the petitioner is necessary.*

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

*Keeping in view the facts and circumstances noted hereinbefore to establish the facts that the petitioner and the complainant are relative and the person, who was to be sent to abroad namely, Harmanjit Singh is a first cousin of the petitioner and the money paid to the petitioner by the complainant was forwarded through bank transaction in the account of the travel agent Sukhjinder Singh and the custodial interrogation of the petitioner is being demanded to establish the relationship of the petitioner with the said travel agent to find out whether the petitioner is also conspirator in the fraud*

*or not, the purpose of investigation will be achieved in case, the petitioner is directed to join and cooperate in investigation. As undertaken by the learned counsel for the petitioner, on the date, when the petitioner will join investigation, a sum of Rs.2,00,000/- will be submitted by the petitioner with the Investigating Officer for further transfer the said amount to the complainant.*

*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 herself 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 him 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 counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Baljit Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that her custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 02.03.2022 passed by the Co-ordinate Bench of this Court 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.

It is made clear that if the petitioner fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

27.02.2023  
Himani

(HARSH BUNGER)  
JUDGE

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