

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31148-2023
DECIDED ON: 13.12.2023

JASLEEN KAUR AND ANR
.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Gagandeep Singh Sirphikhi, Advocate
for the complainant.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code
of Criminal Procedure, 1973, petitioners seek anticipatory bail in case FIR
(Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
41	03.05.2023	420, 506, 120-B of IPC and Section 13 of Punjab Prevention of Human Smuggling Act	Sekhwan, Police District Batala, District Gurdaspur

2. Learned counsel for the petitioners has submitted that in
compliance to the order dated 12.07.2023 and 21.08.2023 passed by this

Court, the petitioners have already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from ASI Ashok Kumar, has intimated that the petitioners have joined investigation and are no more required for any custodial investigation in this case nor they are required for further investigation.

4. During the course of hearing on 12.07.2023, this Court has passed the following order:-

“State report on behalf of the respondent-State has been filed in Court today. The same is taken on record.

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 41 dated 03.05.2023, registered under Sections 420, 506, 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Sekhwan, Police District Batala, District Gurdaspur.

Learned counsel for the petitioners argues that petitioner No. 1 was married with son of the complainant after which, the family decided that the petitioner No. 1 along with her husband should migrate to Canada for which efforts were made to secure visa. As per the plan, as petitioner No. 1 was educated more than her husband, the visa was to be applied in the name of daughter-in-law i.e. petitioner No. 1 first and thereafter, the husband was to follow whereas, after the application was submitted, the same got rejected and now the allegations are being made that the money was taken by the petitioner No. 1 fraudulently, which allegation is totally concocted and false.

Learned counsel for the petitioners submits that the husband of petitioner No. 1 has already gone to Dubai and is working there and the complainant has already disowned not only the daughter-in-law but also her son i.e. husband of petitioner No. 1, which shows that the allegations against the petitioners are false and frivolous. Learned counsel for the petitioners further submits that the petitioners are ready to join the investigation and cooperate, hence, the concession of anticipatory bail may kindly be granted.

Learned State counsel submits that as per his instructions, the details of the money spent is to be taken from petitioner No. 1, which was given by the complainant so as to obtain the visa, hence, the custodial interrogation of the petitioners is necessary.

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

The custodial interrogation of the petitioners is being asked for so as to seek the details as to how the money, which was given by the complainant so as to secure the visa of petitioner No. 1 and her son, was spent, the said purpose can be achieved in case the petitioners are directed to join the investigation and cooperate, hence, this Court is of the opinion that the purpose of investigation can be achieved in case, the petitioners are directed to join the investigation and cooperate.

As the petitioners have undertaken to join the investigation and co-operate with the same, they have made out a case for the grant of anticipatory bail.

Petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

I) That they shall make himself available for interrogation by the police officer as and when required.

(ii) That they 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 they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C. Adjourned to 21.08.2023.

It is, however, made clear that after the petitioners join the investigation, in case any incriminating material comes against the petitioners, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioners in case, the same is needed.”

5. Subsequently on 21.08.2023 the following order was passed :-

“Vide order dated 12.07.2023 passed by a Coordinate Bench, ad interim anticipatory bail was granted to the petitioners.

Learned counsel for the petitioners submits that in compliance of the order dated, the petitioners have joined the investigation.

Learned State counsel, on instructions from SI Major Singh, submits that though the petitioners have joined the

*investigation, yet they are not cooperating in the investigation.
Learned counsel for the petitioners prays for one more
opportunity.
The request is allowed.
The petitioners are directed to again join the
investigation within 15 days from today or any other date
convenient to the investigating officer.
Adjourned to 02.11.2023.
Interim order to continue.”*

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 21.08.2023 passed by this Court, interim bail granted vide order dated 12.07.2023 and 21.08.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

13.12.2023

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(SANJIV BERRY)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No