

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

CRM-M-31792-2023 (O&M)

Date of decision : 29.08.2023

Gurdeep Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.K.Singla, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.97 dated 06.06.2023, under Sections 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station Bhikhi, District Mansa.

(2) Above FIR was registered on the basis of statement made by complainant-Harpal Singh with the allegations that co-accused Sukhdarshan Singh @ Kaka, his wife Gurdeep Kaur (petitioner), Sembher Singh @ Khan and his wife Baljit Kaur cheated the complainant by receiving an amount of Rs.10 Lakh on the pretext of getting payment of his pending bills done and in getting government tenders awarded in his favour. The co-accused made the

complainant to have telephonic conversation with a lady, impersonated herself as mother of Chief Minister of Punjab. Later on, it came to know that the said lady was Gurdeep Kaur (petitioner).

(3) The Coordinate Bench, vide order dated 07.07.2023, granted interim bail to petitioner and the same reads 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.97 dated 06.06.2023 registered under Sections 420 & 120-B of the IPC at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner argues that in the present case on the bald statement of the complainant, an FIR has been registered without there being an iota of evidence to substantiate the allegations made in the FIR. Learned counsel for the petitioner submits that even the bare perusal of the FIR would show that it is being alleged that money was given for clearing the bills of the Mandi Board and PUDA as the complainant was a contractor but no details of any bill pending at the time of alleged payment has either been mentioned in complaint and nothing has come on record so far that at the time when the alleged money was given, any bill was pending for clearance hence as the petitioner is ready to join and cooperate in investigation, she may kindly be extended the benefit of anticipatory bail.

Notice of motion.

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

Learned State counsel submits that he has instructions to state that custodial interrogation of the petitioner is not required in the present case.

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 of the present case as the allegations are yet to be proved and no material has been brought to the notice of this Court that custodial interrogation of the petitioner is necessary to investigate the allegations alleged in the FIR and rather the learned State counsel has already stated before this Court that custodial interrogation of the petitioner is not required in the present case coupled with the fact that learned counsel for the petitioner has submitted that petitioner is ready to join and cooperate in investigation, 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.*

Adjourned to 29.08.2023.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.

- (5) Learned State Counsel, on instructions from HC Lakhwinder Singh, submits that petitioner has joined investigation and as on today, her custodial interrogation is not required.
- (6) In view of above, interim order dated 07.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) Disposed off accordingly.

August 29th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>