

204

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

CRM-M-38961-2022 (O&M)
Date of Decision: 11.01.2023

GURLEEN KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. M.K. Dhot, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.94 dated 03.08.2022 registered under Sections 420, 406 and 120-B of Indian Penal code, 1860 at Police Station Sadar Sangrur, District Sangrur.

On 31.08.2022, the following order was passed by this Court :-

“The petitioner herein seeks the relief of anticipatory bail in the criminal case arisen out of the FIR bearing No.94 dated 03.08.2022 registered at Police Station Sadar Sangrur District Sangrur, under Sections 420, 406 & 120-B IPC.

Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely implicated in this case merely for the reason that she happens to be the daughter of her co-accused Baljinder Kaur @ Dimpal who is alleged to have taken money from the complainant on the pretext of sending her brother abroad along-with the petitioner and the petitioner did not receive any amount from the complainant and moreover, she

(petitioner) is ready to join in the investigation as and when so required and is also not involved in any other criminal case of the similar nature.

Notice of motion.

Mr. Arun Gupta, learned AAG, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice. He seeks time to get proper and complete instructions in this matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 13.12.2022.

Meanwhile, in the event of her arrest, the petitioner shall be released on interim bail subject to her furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in 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 Sukhvir Singh has not disputed the aforesaid fact of joining the 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 31.08.2022 passed by 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 fails 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.

11.01.2023
Amandeep

(HARSH BUNGER)
JUDGE

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