

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

CRM-M-48288-2023

Date of decision : 06.11.2023

Asha Tiwari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. C.L. Pawar, Addl. A.G., Punjab.

Complainant in person with Mr. Angad Parmar, Advocate for
Mr. Vivek K. Thakur, Advocate for the complainant.

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.203 dated 25.07.2023, under Sections 406, 420 of the Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals Regulation Act, 2014, registered at Police Station City, Kapurthala, District Kapurthala.

(2) Allegations are that the petitioner duped the complainant on the pretext of sending him abroad.

(3) This Court, on 31.10.2023, granted interim bail to the petitioner and which reads as under:-

“Learned counsel, on instructions from the petitioner, submits that to show bona fide, she is inclined to refund an amount of Rs. 5,00,000/- to the complainant, subject to final outcome of present petition.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have

instructions and/or file written response in the matter.

Mr. Vivek K. Thakur, Advocate, causes representation on behalf of the complainant and states that he is not averse to the aforesaid offer made by learned counsel for the petitioner.

Posted for 06.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.

It is clarified that in case there is a failure, this petition shall be deemed to have been dismissed on this account only.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required. Still further, learned counsel has produced DD No. 510864 dated 04.11.2023 in favour of Harjit Singh-complainant amounting to Rs. 5,00,000/- and the same has been handed over to the complainant in terms of order dated 31.10.2023. Copy of the aforesaid DD is taken on record as Mark-X.

(5) Learned State Counsel, on instructions from the police officer present in the Court, also acknowledged that petitioner has joined investigation and as on today, her custodial interrogation is not required.

(6) In view of above, interim order dated 31.10.2023 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 made here in above shall not be construed as an expression of opinion on merits of the case; rather confined only to decide the

present bail matter.

- (9) The payment of Rs. 5,00,000/- by way of DD No. 510864 dated 04.11.2023 shall be subject to the final outcome of the FIR in question.
- (10) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.
- (11) Disposed off accordingly.

November 06th, 2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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