

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49661-2023
DECIDED ON: 08.11.2023

BALWINDER KAUR
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mrs. Malkeet Devgon, Advocate for
Mr. Joginder Pal Devgon, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-2) as under:

FIR No.	Dated	Sections	Police Station
79	05.08.2023	420, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act	Kathu Nangal, District Amrtisar Rural

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 03.10.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from ASI Pargat Singh, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 03.10.2023, this Court has passed the following order:-

“Inter alia contends that Sukhraj Singh is the brother of Pavittar Singh (petitioner in CRM-M-49500-2023) who, if at all, had promised complainant to facilitate his movement/immigration to Italy. In process thereof, air tickets of complainant as well as hotel stay was arranged in Dubai followed by his onward movement to Serbia as well as his stay in the said country where he subsequently got unwell and had a change of mind to return to India.

It is only after he returned on his own that a false police complaint was filed leading to registration of the FIR in question, during the investigation of the same brother of the petitioner, Sukhraj Singh was taken into custody and he is under arrest currently. Notwithstanding, just to put pressure on the entire family of Sukhraj Singh, the petitioner as well as his mother Balwinder Kaur (petitioner in CRM-M-49661-2023) have now been arrayed as accused in the same very FIR and they apprehend that they may also be arrested despite the fact that they have already conveyed to the investigating officer to cooperate and willing to join the investigation as and when called upon.

Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of the respondent-State of Punjab and seeks time to file a report in both the cases.

Adjourned to 08.11.2023.

In the meanwhile, petitioners shall join investigation, as and when required by the Investigating Agency and subject to their reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioners shall be taken. In case, their arrest is required to be caused, petitioners shall be released on bail by the Arresting Officer till the next date of hearing on their furnishing personal bonds to the satisfaction of Arresting Officer. Petitioners shall also abide by all the conditions as envisaged under Section 438 (2) Cr.P.C.

To be heard along with CRM-M-43688-2023.

A photocopy of this order be placed on the connected case file.”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 03.10.2023 passed by this Court, interim bail granted vide order dated 03.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is 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 petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

(SANJIV BERRY)
JUDGE

08.11.2023
Jatin

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