

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M No.49965 of 2023 (O&M)
DATE OF DECISION: 04th OCTOBER, 2023

Harpreet Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. R.S. Rai, Senior Advocate with
Mr. Vivek Sethi, Advocate and
Ms. Rubina Vermani, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.233 dated 23.08.2023 registered under Sections 420 and 120-B IPC at Police Station Civil Lines, Bathinda, District Bathinda.

2. It is submitted by learned Senior counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against her. Even as per the story of the prosecution, the allegation against the petitioner is that in the year 2012, the husband of the petitioner, who was running Real Estate Company had accepted some investment from the complainant. However, the said money was not returned to the complainant. Learned Senior counsel has further submitted that the investment is alleged to be

done in the company of the husband of the petitioner. The petitioner was neither the share holder, nor the office bearer in the said company at any time. Not only that, the marriage of the petitioner had gone astrayed and she had got divorce from the husband way back in the year 2018 and since then she has been residing separately. Thereafter, the petitioner has had no concern with her ex-husband, as such. The FIR has been registered only in the year 2023. The further allegation against the petitioner as per prosecution is that despite having obtained divorce, the petitioner continued to be in association with the husband, and as an evidence of this fact the allegation is that the petitioner had sold some properties of the company in the year 2019. However, the petitioner had not even sold any property of any company. There was a property, which was owned by the petitioner before divorce, jointly with her the then mother-in-law. It was share of the petitioner in that property only, which was sold by her. Therefore, the petitioner is not connected with the alleged crime in any manner, whatsoever. There is no other case against the petitioner. The petitioner is ready to join the investigation as and when called by the Investigating Officer. Therefore, the petitioner deserves to be protected against her arrest.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the State.

5. Learned State Counsel, being instructed by ASI Satpal Singh, has submitted that the offence relates to the year 2012. At that time the petitioner was very much wife of the complainant. The investment was taken by the husband in collusion with the present

petitioner. It is further submitted that the divorce obtained by the petitioner is only for the sake of name, however, the association between the petitioner and her ex-husband has continued throughout. Under that association only, the petitioner could sell the property of the company owned by her husband in the year 2019. However, it is not disputed by learned State counsel that there is no document with the police to show that the property of any company was sold by the petitioner; or that the petitioner had ever been Director or any share holder in any one of the companies operated by the ex-husband of the petitioner.

6. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of her arrest, the petitioner shall be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

04th OCTOBER, 2023

‘sandeep’

(RAJBIR SEHRAWAT)

JUDGE

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