

210(A) IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-52397-2023 (O&M)
Date of Decision: 04.12.2023

Pritam Kaur @ Preet @ Palwinder Kaur Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rehat Bir Singh Mann, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
assisted by ASI Sukhdeep Singh.

Mr. S.B.S. Mann, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.82 dated 02.06.2023, under Sections 420, 406, 370, 506 and 120-B IPC Section 13 of Punjab Prevention of Human Smuggling Act, 2012 (deleted later on) and Section 13 of Punjab Travel Professional Regulation Act, 2014 (added later on), at Police Station Sadar District Tarn Taran.

2. Petitioner is alleged to have duped the complainant on the pretext of sending him abroad.

3. A Coordinate Bench of this Court vide order dated 18.10.2023, granted interim bail to petitioner and the same reads as under:-

“Apprehending his arrest in FIR No.82, dated 02.06.2023, registered for offences punishable under Sections 420, 406, 370, 506, 120-B of the Indian Penal Code, 1860 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 (deleted later

on) and Section 13 of Punjab Travel Professional Regulation Act, 2014 (added later on) at Police Station Sadar Tarn Taran, District Tarn Taran, Punjab, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Counsel for the petitioner submits that the matter stands compromised between the parties i.e. the petitioner and the complainant. Challan qua other co-accused persons has been presented before the concerned Magistrate and the next date fixed before the concerned Court is tomorrow i.e. 19th of October, 2023.

Counsel appearing for the complainant also admits the factum of there being a compromise between the parties.

Adjourned to 4th of December, 2023.

In view of above, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

Petitioner is also granted liberty to appear before the concerned Magistrate on 19th of October, 2023.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an offer can also verify its authenticity and may download and use the downloaded copy for attesting bond.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, she joined investigation and her custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that

custodial interrogation of the petitioner is not required, at this stage.

6. Learned counsel for the complainant admits the factum of compromise between the parties i.e. petitioner as well as the complainant and raises no objection in case the present petition is allowed.

7. In view of above, interim order dated 18.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. 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.

10. Disposed off accordingly.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

04.12.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No