

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

**CRM-M No.54250 of 2023 (O&M)
Date of decision : 05.12.2023**

Rukhsana Begum

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karan Singh, Advocate for
Mr. Jashanjot Singh Uppal, Advocate for the petitioner.

Mr. C.L.Pawar, Addl. A.G., Punjab for the respondent.

Mr. Imran Farooqi, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.133 dated 19.09.2023 (P-1), under Sections 420, 120-B of the Indian Penal Code, 1860, registered at Police Station City-1, District Malerkotla.

(2) Above FIR was registered on the basis of statement made by complainant-Dara Singh with the allegations that on 04.03.2022, he gave Rs.2 Lakh to the petitioner as well as her husband, namely, Mohd. Anwar by withdrawing the same from his bank account. On 20.08.2022, Rs.15,000/-

was also given by Google Pay to both the accused. Thereafter, Mohd. Anwar received Rs.50,000/-, but they did not send son of the complainant abroad.

(3) The Coordinate Bench, while issuing notice of motion on 23.10.2023, granted interim bail to petitioner and the same reads as under:-

“The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.133, dated 19.09.2023 under Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station City-1, Malerkotla, District Malerkotla.

It has been averred in the petition that allegations largely pertain to the husband of the petitioner qua sending the people abroad. It is further averred that the petitioner has no active participation in the offence and that she has no criminal antecedents. Counsel further contends that the petitioner is ready and willing to join the investigation as and when required to do so.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab accepts notice and prays for some time to complete instructions and file response, if necessary.

Adjourned to 05.12.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of the petitioner joining investigation, she shall be admitted to interim bail by the arresting officer/investigating officer on her furnishing bail/surety bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Balvir Singh, submits that petitioner has joined investigation and as on today, her custodial interrogation is not required.

(6) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State Counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned Counsel for the complainant is overruled; hence, rejected.

(7) In view of above, interim order dated 23.10.2023 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 application(s), if any, shall also stand disposed off.

December 5, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>