

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M No.56717 of 2023 (O&M)
DATE OF DECISION: 09th NOVEMBER, 2023

Jasvinder Kaur

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Naveen Bawa, 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.159 dated 31.03.2023 registered under Sections 406 and 420 IPC (Sections 468, 471 and 120-B IPC added later on) at Police Station Krishna Gate, Thanesar, District Kurukshetra.

2. It is submitted by learned 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 petitioner is not the signatory to the agreement to sell or any other document, in any capacity whatsoever. The petitioner is household lady, therefore, she is not aware of any wrong doing, if any, by her husband. 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. Krishan K.Chahal, Addl. Advocate General, Haryana,
accepts notice on behalf of the respondent.

5. Learned State counsel, being instructed by SI Mahender, has submitted that the petitioner is directly involved in the crime. In the transaction, the complainant was defrauded of an amount of Rs.73 Lakhs, out of which approximately an amount of Rs.31 Lakhs has gone to the account belonging to the petitioner and her husband, as well. Therefore, the petitioner cannot assert that she is not involved in the crime. The investigation is at the initial stage. Since, the petitioner and her husband along with his family members, are involved in a large scale fraud duping several persons, therefore, the police are to unearth the true dimensions of participation of the petitioner in criminal activity, including the degree of participation in the present crime, therefore, custodial interrogation of the petitioner is imperative in this case. Moreover, the amount taken in cash and transferred through the bank account is yet to be recovered by the police. Hence, the petitioner does not deserve any protection against her arrest.

6. In view of the facts and circumstances available on record, as well as, the submissions made by learned counsel for the State, this Court does not find it appropriate to interfere in the matter so as to protect the petitioner against her arrest.

7. Dismissed.

09th NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No