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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 57840-2023
Date of decision: 17.11.2023*Tirath Kaur**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Simranjit Singh, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 151 dated 22.08.2023, registered under Sections 406, 420, 120-B of the Indian Penal Code and Section 24 of the Immigration Act, at Police Station Mataur, District SAS Nagar (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner has not committed any crime as alleged against her. Even as per the story of the prosecution, there is no specific allegation against the petitioner either qua receipt of money or qua any other participation in the alleged crime. The petitioner is a household lady and wife of Kuldeep Singh Gill, who is alleged to be the main accused in the case. However, if any overt act has been done in the matter, that may be only on the part of the husband of the petitioner, and in any case, the petitioner has no role in any activity of sending the people abroad. There is no other case against the petitioner. The petitioner shall

join the investigation as and when called for by the police. Hence, the petitioner deserves to be protected against her arrest.

3) Notice of motion.

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

5) Counsel for the State being assisted by ASI Dilbag Singh has submitted that the firm, namely, Expert Point, SCO 103, 3rd Floor, Phase 7, Mohali is involved in the matter and had provided fake visas and had taken money from various complainants. The husband of the petitioner is the owner of the said firm. However, the allegation against the petitioner is that the petitioner along with other co-accused have cheated the number of people. However, it is not disputed that there is no specific allegation against the petitioner qua receipt of any money or qua specific participation in the fabrication of the documents or arranging anything qua any complainant. It is not disputed that there is no other case against the petitioner.

6) In view of the above, but without commenting any further on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to her furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, 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.

(Rajbir Sehrawat)
Judge

November 17, 2023

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No