



CRM-M-1011-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-1011-2024

Date of decision: - 08.05.2024

Guriya Tripathi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Varun Chhiba, Advocate,
for the petitioner.

Mr. TPS Chawla, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is the first petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.84 dated 23.06.2023, registered under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sarabha Nagar, Ludhiana.

2. On 10.01.2024, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioner has not been named in the FIR and neither there are any allegations against the petitioner that the petitioner had induced any person much less the complainant or had taken any money from the complainant nor there are any allegations of the petitioner having forged any document or having made any promise to the complainant or Mr. Nirmal Singh Bhangu and thus, the offences in the FIR are not prima facie made out against



the petitioner. It is further submitted that the petitioner is sought to be implicated by virtue of General Diary No.32 dated 08.11.2023 (Annexure P-2) which has been recorded after a period of more than four months of registration of the FIR, on the sole allegation that the husband of the petitioner namely Dalip Kumar Tripathi had transferred an amount of Rs.6,50,000/- into the account of the petitioner. It is contended that mere transfer of the said amount into the account of the petitioner would not make the petitioner liable for any offence. It is argued that the petitioner has only been made as an accused in order to pressurize the husband of the petitioner and other co-accused to compromise with the complainant party who is very influential and has further submitted that much prior to the petitioner having been implicated in the present case i.e. by General Diary No.32 dated 08.11.2023, the petitioner had filed a complaint dated 21.09.2023 (Annexure P-3) before the Uttar Pradesh Human Rights Commission, Lucknow highlighting the highhandedness of the police. It is further submitted that the primary allegations in the FIR are against Pritam Singh Kotbhai who has been granted anticipatory bail by the Additional Sessions Judge, Ludhiana vide order dated 23.08.2023 (Annexure P-6) and has further submitted that even the husband of the petitioner namely Dalip Kumar Tripathi and one Jiwan Singh who have been named in the FIR have been granted bail vide order dated 23.08.2023 (Annexure P-5) passed by the Additional Sessions Judge, Ludhiana. It is further submitted that the civil dispute is sought to be given a criminal colour and the FIR has been registered after a delay of three years and that the petitioner is not involved in any other case and has also submitted that the petitioner is ready to cooperate with the investigation.

Notice of motion for 08.05.2024.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of 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. ”

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3. Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner had joined the investigation on two occasions and is ready to cooperate with the investigation.

4. Learned State counsel, on instructions from ASI Harpal Singh, has submitted that the petitioner had joined the investigation on 04.04.2024, but was not able to produce any surety.

5. Learned counsel for the petitioner, in rebuttal, has submitted that son of the petitioner had also come along with the petitioner and was ready to give surety and in any case, the petitioner would furnish personal bonds and surety to the satisfaction of the Arresting/Investigating Officer on or before 30.05.2024.

6. The said statement satisfies the State and learned State counsel has submitted that in case of the petitioner not presenting the said surety, liberty be granted to the State to move an application for cancellation of the present bail.

7. Keeping in view the above-said facts and circumstances and also the observations made in the order dated 10.01.2024, the present petition is allowed and the interim bail order dated 10.01.2024 is made absolute, subject to the petitioner furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer, on or before 30.05.2024.

8. It is made clear that in case the said condition is not met with, then, it would be open to the State to move an application for cancellation of the bail granted to the petitioner.

9. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case, which are only for the purpose of adjudicating the present bail application.

May 08, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No