

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-20255-2024 (O&M)
Date of Decision:- 08.07.2024

RAJ KAUR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Karanjit Singh, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 08.07.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural) is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
34	03.04.2024	420, 120-B IPC; 13 of the Punjab Travel Professionals (Regulation) Act, 2014	Bhindi Saidan, District Amritsar Rural

4. Learned counsel for the petitioner has submitted that in



compliance to the order dated 30.04.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed. He submits that the petitioner, who is 48 years old, has been implicated in the case being the mother of Surjeet Singh with whom the complainant has the dispute.

5. Learned State counsel, on instructions from ASI Lakhwinder Singh has admitted that the petitioner has joined the investigation, but he submits that the custodial interrogation of the petitioner is required to recover the amount.

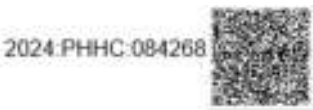
6. On a specific query put forth by the Court to ASI Lakhwinder Singh, he has categorically admitted that no amount was paid by the complainant to the petitioner. Learned State counsel also affirms the said aspect.

7. During the course of hearing on 30.04.2024, the following order was passed:-

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this cases imply because she happens to be the mother of Surjeet Singh, who had allegedly given assurance to the complainant for providing the requisite Visa. He contends that all the transactions of the complainant have been made with the said Surjeet Singh and only ₹ 1.00 lakh was deposited in the account of the petitioner which has since been returned. He further contends that the petitioner is not having any criminal antecedents and is ready to join investigation.

3. Notice of motion, returnable for 08.07.2024.

4. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions from ASI Major Singh, P.S. Bhindi Saidan, admits that the fact that ₹ 1.00 lakh transferred in the account of the petitioner had since been returned. He prays for time to file the status report/reply in the matter.



- 5. *Mr. Tushaar Madaan, Advocate, has entered appearance on behalf of the complainant and filed his vakalatnama. The same is taken on record.*
- 6. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*
- 7. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of her arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”*

8. Keeping in view the above fact that the petitioner had joined the investigation consequent to the order dated 30.04.2024 passed by this Court, and since ASI Lakhwinder Singh has categorically stated *supra* that no amount was paid by the complainant to the petitioner, therefore, no question of its recovery from the petitioner arises at all. The plea raised in this regard is without any substance and force. Consequently, interim bail granted vide order dated 30.04.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

9. The petition stands allowed.

(SANJIV BERRY)
JUDGE

08.07.2024
S.Sharma(syr)

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |