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

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CRM-M-22797-2024

Date of Decision : May 23, 2024

NIRMAL KAUR

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. S.K. Kanojia, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Gurinderjit Singh, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. In compliance of the order made by this Court on 22.05.2024, S.I. Jatinder Singh (Additional S.H.O.) along with A.S.I. Balkaran Singh (I.O.) has caused appearance before this Court. Although this Court had directed the S.H.O. to record his appearance, however, the Additional S.H.O. has informed this Court that, owing to bereavement in the family of the S.H.O., he is currently holding the charge of the Police Station concerned.

2. Further personal appearance of the S.H.O./Additional S.H.O. is dispensed with.

3. On 07.05.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

*“Through the instant petition filed under Section 438 Cr.P.C.,
prayer is made for grant of anticipatory bail to the petitioner in case*



FIR No.259 dated 19.12.2023 under Sections 177, 199, 200, 420, 120-B of IPC, registered at Police Station Navi Baradari, Police Commissionerate Jalandhar, Punjab.

In the asking for relief(supra), the learned counsel for the petitioner has placed reliance upon the order dated 24.4.2024, passed in CRM-M-3307-2024, vide which co-accused Sukhwinder Singh has been granted the relief of pre-arrest bail to submits that he is on same pedestal. He further submits that the amount so received from the NHAI was deposited in different accounts by the son of the present petitioner and that account has already been freeze. He further submits that the petitioner is ready and willing to abide by all the terms and conditions, which have been imposed upon co-accused Sukhwinder Singh by this Court.

Notice of motion for 22.5.2024.

On the asking of the Court, Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of the respondent-State, whereas, Mr.Gurinderjit Singh, Advocate has caused appearance on behalf of the complainant and has opposed the grant of pre-arrest bail to the present petitioner.

Considering the fact that the present petitioner is a lady of 83 years old and the main contention of the petitioner that the entire amount, which has been transferred by the NHAI, is still intact and freeze by the investigating agency, this Court deems it fit and appropriate to grant the asked for relief. The petitioner is directed to join the investigation and in the event of her arrest, she shall be released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C. The petitioner is also directed to sworn an affidavit in terms of co-accused Sukhwinder Singh before the IO concerned.

The State is also directed to file reply to the instant petition stating therein, the details of the amount which was transferred by the NHAI, into the account of the accused and thereupon, the details of the account and whether, all such accounts have been freeze or not on the next date of hearing”

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4. In compliance of the directions embodied in the order extracted hereinabove, a short reply dated 22.05.2024 was placed on record by the learned State counsel. Annexure R-1, which is attached with the short reply, contains the details of all the bank accounts, which have been freezed by the investigating agency, during the course of investigation. These freezed bank accounts are the ones, wherein, either the N.H.A.I. has credited the compensation amount, or, the accused have made transferred the compensation amount.

5. The learned counsel for the petitioner has submitted that, in compliance of the order hereinabove extracted, the petitioner had joined the investigation and cooperated with the investigation officer. He has further submitted that the petitioner is even ready and willing to deposit the amount of Rs.3,40,000/-, which was withdrawn from her bank account, prior to registration of the present FIR. He has also rendered an assurance that, although owing to the petitioner's bank account becoming freezed, there is a bleak chance of the compensation amount becoming pilferaged, yet the petitioner undertakes not to utilize the compensation amount, which is lying in her bank account, until the dispute is finally resolved by the competent court of law. The petitioner is also ready and willing to swear an affidavit in this regard.

6. The learned State counsel, on instructions imparted to him by A.S.I. Balkaran Singh, has verified that pursuant to the making of the order hereinabove extracted, the petitioner had joined the investigation and she is no longer required for custodial interrogation. He has further assured that, although most of the bank accounts carrying the compensation amount awarded by N.H.A.I. have already been freezed, however, during



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investigation, as and when the investigating agency would come to know about any other bank account(s), which has been used to siphon off the compensation amount, it would also be frozen.

7. In view of the above, the hereinabove extracted interim order dated 07.05.2024, as made by this Court, is hereby made **absolute**, subject to the conditions as enumerated under Section 438(2) Cr.P.C. This relief is also subject to the petitioner, within a month from today, furnishing a FDR of Rs.3,40,000/- before the investigating officer, who shall then make it a part of the police file. Moreover, the petitioner is also directed to swear an affidavit, as detailed in paragraph 3 and furnish the same before the investigating officer concerned.

8. It is clarified that, in case, any of the conditions as mentioned in the preceding paragraph are not complied with by the petitioner, the relief of anticipatory bail, as granted hereinabove, shall stand *ipso facto* vacated and this petition be deemed to be dismissed, without any further reference to this Court.

9. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

10. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

May 23, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No