



CRM-M-25523-2024

1

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

210

CRM-M-25523-2024

Date of Decision : July 29, 2024

JAGDISH KAUR**-PETITIONER****V/S****STATE OF PUNJAB****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Abhinav Jain, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 20.05.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.15 dated 26.01.2024, under Section 420 of the IPC, registered at P.S. City Muktsar, District Sri Muktsar Sahib.

2. The genesis of the present FIR is embodied in the complaint made by one Sarabjeet Kaur (hereinafter referred to as the 'complainant'). Succinctly stated, the allegations levelled in the present FIR are that, since the petitioner's daughter had obtained seven bands in IELTS but they did not have the requisite funds for sending her abroad, therefore, the petitioner agreed to solemnize the marriage of her daughter with the complainant's son, as they agreed to spend the money for sending the petitioner's daughter abroad. Accordingly, marriage was solemnized on 27.03.2022, whereupon, the petitioner's daughter went to Canada, at the expenses of the complainant party, which were paid through online transactions, however, she did not take her husband/complainant's son with her. Therefore, owing to violation of the agreement executed between the



CRM-M-25523-2024

2

accused and the complainant party, the petitioner/accused are liable to refund the amount taken from the complainant party.

3. *The learned counsel for the petitioner submits that, in fact, a false story has been cooked up by the complainant, whereas, it was the complainant's son, who could not procure the visa of Canada despite best efforts. Moreover, before solemnization of marriage, the complainant had concealed material facts from the petitioner and her daughter, inasmuch as, it was never disclosed that earlier also the visa of complainant's son was rejected many times. Nonetheless, he submits that, in case any money has been spent by the husband/complainant's son for sending his wife abroad, it cannot be, in any manner, considered to be a part of any commercial agreement, rather the same was a matrimonial obligation performed by the complainant's son.*

4. *Notice of motion for 29.07.2024.*

5. *Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

6. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."*

2. Mr. Deepak Gupta, Advocate, who records his appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today, has vociferously opposed the grant of anticipatory bail to the petitioner.

3. Today, the learned State counsel has filed a status report, on affidavit of Satnam Singh, PPS, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, which is taken on record. Moreover, he has, on instructions imparted to him by the official concerned, stated that pursuant to the making of



CRM-M-25523-2024

3

the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 20.05.2024, as made by this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner shall not commit an offence similar to the present offence;

(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner shall make herself available for interrogation by a police officer as and when required.”

4. 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.

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

July 29, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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