



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

CRM-M-26638-2024

DECIDED ON: 28.05.2024

BALBIR KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Nirmaan, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Abhishek Khullar, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.47, dated 06.04.2024 (Annexure P-1), under Sections 406, 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner is innocent and has been dragged into the litigation unnecessarily on account of her husband namely Gurwinder Singh having entered into an agreement with the complainant Ashok Kumar wherein an understanding was struck between the aforesaid two in connivance with one co-accused Ajay Kumar that the elder son of complainant namely Rakesh Kumar would be sent to America for a consideration amounting to Rs.28 lacs.

It has further argued on behalf of the petitioner that once the aforesaid understanding could not be executed, Gurwinder Singh gave promise in writing on 22.08.2020 to return Rs.19 lacs but only Rs.4 lacs has been returned to the complainant and on that account, the instant FIR came to be lodged.

During the course of hearing on the previous date i.e. 24.05.2024, it revealed before this Court that out of the said transaction, amount of Rs.5 lacs was transferred in the account of the present petitioner alone, Rs.4 lacs was deposited by the complainant in the account of her husband Gurwinder Singh and remaining Rs.10 lacs were deposited in the account of somebody else.

On that date, learned counsel for the petitioner also volunteered to return the amount of Rs.5 lacs by way of demand draft in the name of the complainant and for that purpose, the hearing was deferred for today.

Learned counsel for the petitioner has brought a demand draft dated 27.05.2024, bearing No.001792, amounting to Rs.5 lacs in the name of the complainant Ashok Kumar today in Court, which has been handed over to the learned counsel for the complainant, who has accepted the same and submits no objection in case. Hence, the present petition is allowed.

On the other hand, Mr. Rajiv Verma, DAG, Punjab on instructions from SI Paramjit Singh, in the light of aforesaid development and the understanding made between the parties to the present FIR i.e. the complainant and the present petitioner, fairly submits that the custodial interrogation of the petitioner is not required at this stage though seeks the petitioner to join the investigation to get information regarding the

remaining dispute among the parties as well as for the criminal liability fastened upon the present petitioner and other co-accused persons.

Having regard to the aforesaid circumstances and the submissions made before this Court by the respective parties, this court is also of the considered view that custodial interrogation of the petitioner is not warranted at this stage since the amount credited in the account of the present petitioner by the complainant stands paid back to the complainant by way of demand draft today in Court, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

28.05.2024
Poonam Negi

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