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

CRM-M-27825-2024**Date of Decision: 18.07.2024**

Harjinder Kaur

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Lalit Goyal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to her in case FIR No.63 dated 23.04.2021, registered under Sections 420, 406, 120-B of IPC, at Police Station 'C' Division, District Amritsar.

2. As per the case set up by the prosecution, the complainant Karan Nahar had moved an application to the police by alleging that Harjinder Kaur @ Jinder Kaur, the petitioner, ASI Jatinder Singh Gill and Rajwinder Singh @ Raju Baba, misrepresented to the complainant that they could arrange a job in Punjab police for him. On the false pretext of getting an employment, a sum of Rs.5 lakhs was taken from the complainant. Even he was taken to Police Station Lopoke, where Jatinder Singh Gill, co-accused was working as ASI and the complainant was made to believe that he had been appointed in Punjab Police. Even the complainant was made to work in the Police Station as a



police official. Later on, when true facts came to the knowledge of the complainant, he got the present FIR registered against all the three accused.

3. Learned counsel for the petitioner contends that the petitioner is the real maternal aunt of the complainant, who has been falsely involved by the complainant with some hidden motive. He further contends that the main accused Rajwinder Singh @ Raju @ Baba has already been arrested by the police and he is continuing in custody since 23.06.2023. He further contends that even the present FIR was registered by the police on 23.04.2021 and now after a period of more than 03 years, she is sought to be implicated falsely in the present case. He further contends that keeping in view the peculiar facts of the present case, the custodial interrogation of the petitioner may not be required, at this stage

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that she along with other accused was involved in a serious crime and all the accused had taken a sum of Rs. 5 lakhs from an innocent person. He further contends that the complainant was taken by ASI Jatinder Singh to the Police Station and was also wrongly made to believe that he was also police officer.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the main accused Rajwinder Singh @ Raju @ Baba has already been arrested by the police and is in custody for the last more than one year. Even the investigation has been completed by the police and the challan against the co-accused has already been presented before the competent Court. Even the FIR was registered in the present case on 23.04.2021 and the petitioner is now sought to be arrested after a period of more than 3 years and 3



months. Consequently, the custodial interrogation of the petitioner will not be required, at this stage.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

18.07.2024.
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(N.S.SHEKHAWAT)
JUDGE

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