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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28442-2024
DATE OF DECISION: 30.05.2024

MANDEEP KAUR **...PETITIONER**

Versus

STATE OF PUNJAB **... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.P. Soi, Advocate for the petitioner(s).
 Mr. J.S. Rattu, DAG, Punjab.
 Mr. M.S. Rana, Advocate for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.19 dated 16.03.2024 registered for offences punishable under Sections 406/420 IPC at Police Station Dhilwan, Kapurthala.
2. Learned counsel for the petitioner submits that the petitioner is a housewife and has not received any money whatsoever as has been alleged in the complaint but rather she has been dragged in the present FIR for the sake of dragging both husband and wife on the allegations as has been mentioned in the FIR, though the same are incorrect and false. In any case it has been further argued that it would be her husband alone who might have been dealing with the complainant for which she has no knowledge whatsoever as there is categorical denial



of receiving the money i.e. Rs. 4 lakhs in cash as has been alleged by the complainant.

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions from ASI Kirpal Singh opposes the prayer for grant of bail. He refers to the statement of Jaga Singh from whom the complainant has availed loan of Rs. 4 lakhs that too admittedly transacted in cash for which there is no writing whatsoever executed between Jagga Singh and the complainant in support of the version of the complainant recorded in the FIR.

5. Be that as it may, if at all it is argued that the petitioner has received money of Rs. 4 lakhs that too in cash though it is also highly improbable to deal in cash of such a huge amount she might have received it on behalf of her husband alone without having any knowledge of the parties for which the said amount has been paid by the complainant.

6. Considering the aforesaid facts wherein there is no iota of evidence to show that such transaction of amount in cash has actually taken place in favour of the present petitioner, therefore, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.



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7. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to her joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

8 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.

9. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

30.05.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>