

CRM-M-38868-2024
Date of Decision: 12.08.2024

Daljeet Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. V.K. Gupta, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab
(Through video conferencing).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
42	10.06.2020	Sadar Kurali, District SAS Nagar	420,465, 467, 468, 471, 120B IPC, 1860 and 12 of Passport Act, 1967

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 Cr.P.C seeking anticipatory bail.

2. Notice served upon the official respondent through State counsel.

3. In paragraph 09 of the bail petition, the accused declares that he has no criminal antecedents.

3. The complainant alleged that at the time of wedding, the accused had assured him to take him to Canada and under that pretext she took money.

4. Ld. Counsel for the petitioner contends that earlier vide order dated 25.04.2022 passed by this Court, the petitioner was granted anticipatory bail. However, her bail was cancelled vide order dated 10.05.2024 passed by the trial Court on account of non-appearance before the said Court. Counsel for the petitioner further contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.



5. Ld. counsel representing the State opposes bail.

REASONING:

6. The dispute is a result of marriage. The petitioner is a first offender and is a woman, and one of the relevant factors would be to provide an opportunity to course-correct. Even a prima facie perusal of paragraphs 4 & 5 of the bail petition needs consideration for bail. Further, she was on bail and due to her non appearance, arrest warrant were issued against her.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused. Petitioner is directed to appear before trial Court on or before 10.09.2024 at 10.00 AM.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.



11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.08.2028
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.