



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38403-2024

Date of Decision: August 08, 2024

JASLEEN KAUR

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.47 dated 05.04.2024, under Sections 420, 120-B IPC, 1860 and Section 13 of Punjab Travel Professionals Regulation Act, 2014 registered at Police Station Sultanwind, District Amritsar.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

'It is recorded that one complaint bearing no. 252078-PGD dated 25.10.2023 from Manni Singh son of Ajit Singh resident of house no. 15, Shri Guru Ram Dass Avenue, Tarn Taran Road, Amritsar, after enquiry by additional Deputy Commissioner Police Crime Amritsar city by order of Commissioner of Police Amritsar City has been received in the police station, the detail of which is as under: To, Commissioner of Police, Amritsar. Sir, It is submitted that



myself Manni Singh son of Ajit Singh resident of House no. 15, Shri Guru Ram Dass Avenue, Tarn Taran Road, Amritsar. I was aspirant of going abroad in this regard I have told wife of my friend Gundeep Singh son of Arjinder Pal Singh resident of house no. 119, Dashmesh Nagar Tarn Taran Road, Amritsar namely Jasleen Kaur, who told that his real brother Gagandeep Singh mobile no. 7599033730 son of Rajdeep Singh resident of Mohalla Punjabi Colony, Shamli U.P. and his maternal uncle Amarjit Singh 8800981444 son of Sher Singh resident of Village Rampur U.P. do the work of travel agent. They have settled many persons abroad. Jasleen Kaur from her phone made me talk with his brother Gagandeep Singh then Gagandeep Singh asked for Rs. 12,00,000/- for sending me on tourist visa to America. He told I should give my passport and 4 photographs and Rs. 5,30,000/- to his sister Jasleen Kaur, then on 13.02.2022 I have handed over my passport and 4 photographs and Rs. 5,30,000/- cash in presence of Gundeep Singh to Jasleen Kaur in her matrimonial house at Tarn Taran Road, Amritsar. Then almost after 5 months delaying the matter then Gagandeep Singh and his father came at Amritsar at house of Jasleen Kaur and returned my passport and told I should go to Dubai first from there they would get the Visa of America. On 11.08.2022 I had gone to Dubai on tourist Visa, where on asking of Gagandeep Singh on 14.08.2022 I had given 9600 Dirham (Rs. 2,86,655/- INR) to the person as told by Gagandeep Singh and on asking of that person I stayed in Dubai for 4-5 days and came back. However, they did not get my work done then I talked with Jasleen Kaur. Who make me talk to his paternal uncle Amarjeet Singh. On 12.10.2022 Amarjit Singh came to my house and told that he has huge contacts in Embassy and he would get me Visa, I should wait for some time. Then also when they did not send me to America and when I repeated my request again and again Jasleen Kaur has given Rs. 20,000/- cash and also given me



cheque of account no. 923010007195489 in Axis bank bearing Cheque no. 600396 dated 06.10.2023 amounting to Rs. 3,50,000/- when I presented that cheque then that cheque got dishonoured, till now they have not get my Visa for America nor my remaining amount of Rs. 6,19,655/- has returned to me, against then legal action be taken. My amount may be recovered and justice be granted to me. Verified as correct Manni Singh son of Ajit Singh resident of house no. 15, Shri Guru Ram Dass Avenue, Tarn Taran Road, Amritsar, mobile no. 9878621111 on which, the Hon'ble Commissioner of Police Amritsar City marked the above said complaint to in-charge Anti Human Tracking Unit District Amritsar City for investigation. The In-charge anti Human Trafficking Unit District Amritsar City investigate the above said application and after examining the said application, wrote in his investigation report that Complaint number 252078-PGD dated 25.10.2023 Complaint by:- Mani Singh son of Ajit Singh Resident of House No. 15 Sri Guru Ramdas Avenue Tarn Taran Road, Amritsar against:-1. Gagandeep Singh son of Rajdeep Singh resident of Mohalla Punjab Colony Shamli UP . Amarjit Singh son of Sher Singh resident of Rampura U.P. 3. Jasleen Kaur wife of Gundeep Singh resident of House No. 119 Dashmesh Nagar Tarn Taran Road Amritsar. Subject:- Application regarding committing fraud of Rs. 6,19,655/- for sending complainant abroad in USA. Sir, Regarding the above subject numbered complaint, it is requested that Mani Singh son of Ajit Singh, resident of House No. 15, Sri Guru Ramdas Avenue, Tarn Taran Road, Amritsar, filed a complaint against Gagandeep Singh, etc. making allegations regarding committing fraud of Rs. 6,19,655/- on the pretext of sending abroad Amrika to complainant. During the investigation of the complaint, the above said complainant Mani Singh and his friend Gundeep Singh son of Arjinderpal Singh resident of 119 Dashmesh Nagar Tarn Taran Road Amritsar joined the investigation. Their statements were



recorded. Who have submitted the following documents, which are attached with the complaint for perusal. The following notices were issued to the opposite party Gagandeep Singh etc. to join in the investigation of the above said complaint. But despite being aware of the notices by the opposite party, till today they have not joined the investigation of the complaint nor they have produced any document. From the complainant party: 1. Mani Singh son of Ajit Singh resident of House no. 15 Shri Guru Ramdass Avenue Tarn Taran Road, Amritsar. 2. Gundeep Singh son of Arjinderpal Singh resident of 119 Dashmesh Nagar Tarn Taran Road Amritsar, the documents submitted by the applicant:-1. The applicant submitted the account statement of his SBM Bank account number- 2001102.1151880 (total 3 pages). 2. The applicant submitted the account statement of his Standard Chartered Bank Branch Mall Road account number-54311034945 (total 3 pages). 3. Screenshot of Statement of Kotak Mahindra Bank Account No. 9878621111 of Applicant. 4. Photocopy of Dubai VISA. 5. Photocopy of Account No. 923010007195489 Axis Bank Cheque No. 60039 Dated 06-10-2023 amounting to Rs. 3,50,000/- given by Jasleen Kaur. 6. photocopy of return memo regarding cheque bounce. Photostate copies of the documents submitted by the opposing party:- The following notices have been issued to the opposing party and in addition to this, repeated notes have been made over the phone. But the opposition party did not appeared. Notices issued:-1. Notice No. 1169-5P- AHTU vide 31-10-2023 for 02-11-2023. 2. Notice number 1212-5P-AHTU dated 7-11- 2023 for 13-11-2023. 3. Notice number 1248-5P-AHTU dated 17-11-2023 for 20-11-2023. From the investigation of the complaint so far, from the documents submitted and from the statement, it is revealed that the complainant Mani Singh was willing to go abroad. About which complainant Mani Singh spoke to Jasleen Kaur wife of his friend Gundeep Singh son of Arjinderpal Singh, resident of house number 119, Dasmesh



Nagar, Tarn Taran Road, Amritsar, who told that her real brother Gagandeep Singh son of Rajdeep Singh resident of Mohalla Punjabi Colony Shamli U.P. and her maternal uncle Amarjit Singh son of her Singh resident of village Rampur U.P., works as a travel agent, who have sent and settled many people abroad. Jasleen Kaur talked to her brother Gagandeep Singh on WhatsApp from her phone, then Gagandeep Singh told the expenses of Rs. 12 lakh for sending complainant on tourist visa at America and said that to hand over your passport and four photos and 5,30,000 rupees to her sister Jasleen Kaur. Then complainant send Rs. 1,00,000 from his Standard Chartered Bank Branch Mall Road Amritsar account number on 07.02.2022, On 08.02.2022 Rs. 1,80,000/- from his account number 9878621111 Kotak Mahindra Bank Branch Gilwali and on dated 11.02.2022 withdrew Rs. 2,50,000/- and on dated 13.02.2022 total amount of Rs. 5,50,000/- cash and his passport and 4 photos in the presence of his friend Gundeep Singh son of Arjinderpal Singh gave to Jasleen Kaur at her in-laws house, Taran Taran Road, Amritsar. Then after 5 months on 06.07.2022 Jasleen Kaur's father Rajdeep Singh and his brother agent Gagandeep Singh on coming to the in-laws house of her daughter Jasleen Kaur at Tarn Taran road Amritsar, they gave back his passport to the applicant and said that you will first go to Dubai and get your America visa from there. Then the complainant and his friend Gundeep Singh went to Dubai on tourist Visa on 11.08.2022. Where the complainant in the presence of his friend Gundeep Singh on the request of Gagandeep Singh on 14.08.2022, 9600 Dirham (Rs.2,86,655/-) to the person mentioned by Gagandeep Singh (name not known) at the place mentioned by him Gold Souk Market Dubai after talking to Gagandeep Singh from that person's phone, out of which Rs. 1,99,847 was withdrawn by that person from the ATM there. Then complainant and his friend Gundeep Singh stayed in Dubai for 4-5 days. After which complainant and his friend



Gundeep Singh came back to India from Dubai on the request of the person of Dubai and Jasleen Kaur. After returning, the applicant spoke to Jasleen Kaur, who in turn made the applicant speak to her maternal uncle, Amarjit Singh. Then on date 12.10.2022 Amarjit Singh came to complainant's house, who said that he is very eloquent in the embassy, he will get his visa soon, wait for some time. However, these applications were not sent to America, on his repeated requests, Jasleen Kaur returned Rs. 1,77,000/- to him on 23.05.2023 in cash and on saying of the father of the Jasleen Kaur, Jasleen Kaur returned Rs. 20,000/- to complainant in cash on 06.09.2023 and gave cheque number 600396 dated 06.10.2023 amounting to Rs. 3,50,000/- of account no. 923010007195489 of Axis Bank. The complainant deposited the same on 6.10.2023 in his account number 9878621111 in Kotak Mahindra Bank Branch Gillwali, then the cheque got bounced due to lack of cash in Jasleen Kaur's account. A total of Rs. 6,19,655 has yet to be collected from the opposing party by the complainant. The opposing party has neither given the USA visa to the applicant nor returned the money. Thus, it is revealed that travel agent Gagandeep Singh etc. has been defrauded of Rs. 6,19,655/- on the pretext of sending complainant abroad America. Conclusion Report: Opposite party Travel Agent Gagandeep Singh son of Rajdeep Singh resident of Mohalla Punjab Colony Shamli UP, Amarjit Singh son of Sher Singh resident of Rampura UP and Jasleen Kaur wife of Gundeep Singh resident of House No. 119 Dashmesh Nagar Tarn Taran Road Amritsar cheated committed fraud with complainant Mani Singh of Rs. 6,19,655/- in the name of sending abroad to USA on Tourist Visa Recommendation: The Investigation is required to be initiated after registering the FIR under section 420, 120-B IPC, 13 Punjab Travel Professional Regulation Act, 2014 against respondent travel agent Gagandeep Singh son of Rajdeep Singh resident of Mohalla Punjab Kaleni Shamli UP, Amarjit Singh son of Sher Singh resident of



Rampura UP and Jasleen Kaur wife of Gundeep Singh resident of House No. 119 Dashmesh Nagar Tarn Taran Road Amritsar. If it is acceptable to you, kindly issue necessary guidelines to the Station House Officer, Police Station Sultanwind, Amritsar City. The report is presented. Sd/Incharge Anti Human Trafficking Unit, District Amritsar City 12.12.2023, whereupon Additional Deputy Commissioner Police Crime Amritsar City while agreeing with the report of in-charge Human Trafficking Unit, District Amritsar, enquiry report along with report along with original documents has been sent to the Hon'ble Commissioner of Police, Amritsar City. From whom the report with objections has been received that, To, Additional Deputy Commissioner of Police, crime Amritsar, Complaint by Mani Singh son of Ajit Singh, resident of House No. 15, Guru Ramdas Avenue, Tarn Taran Road, Amritsar. By sending the above said complaint No. 252078-PGD dated 25.10.2023 in original regarding the above subject, it is written that the inspection report was read for finalization and the following errors were found from the reading. All possible efforts should be made to investigate the opposition party ie. Gagandeep Singh, Amarjit Singh and Jasleen Kaur. 2). If the opposition party does not have any license then it should be legally verified. 3). If there is any case filed against the opposing party, then it should be cleared. 4). The money given by the applicant should be legally verified. 6). The copy of passport of complainant should be attached and passport should be verified legally. 6). If the opposing party has cheated any other person then that should also be cleared. Sd/- Hon'ble Commissioner of Police, Amritsar City. On which the In-charge Anti-Human Trafficking Unit, District Amritsar City, in fulfillment of the above objection. It is written in the report that the report in reference to the application number-252078-PGD dated 25-10-2023. Sir, it is requests that complaint from complainant Mani Singh son of Ajit Singh, resident of house number 15,



Shri Guru Ram Dass Avenue, Tarn Taran Road, Amritsar against Gagandeep Singh, son of Rajdeep Singh, resident of Mahulla Punjab Colony, Shamli U.P. Amarjit Singh, son of Sher Singh, resident of Rampura UP, Jasleen Kaur wife of Gundeep Singh, resident of House No.-119, Dashmesh Nagar, Tarn Taran Road, Amritsar at present resident of Mohalla Punjab Colony, Shamli UP has been filed making allegations of fraud of Rs. 6,19,655/-. On receiving the objections, following objections were fulfilled by the in-charge Anti-Human Trafficking Unit Amritsar:- To join the defendant Gagandeep Singh son of Rajdeep Singh resident of Mahulla Punjab Colony, Shamli U.P., Amarjit Singh son of Sher Singh resident of Rampura U.P., Jasleen Kaur wife of Gurdeep Singh resident of House no. 119, Dashmesh Nagar, Tarn Taran Road, Amritsar at present resident of Mohalla Punjab Colony, Shamli U.P. notice No.-1169-SP AHTU dated 31-10-2023, notice No. 1212- SPAHTU dated 13-1-2023 and notice no. -1248-SPAHTU BHI 17-11-2003 have been issued. Also noted again and again on phone. Apart from this on their above said address registry (postal) number EP73842372BIN dated

04-01-2024 has been sent. Since their address was not traceable therefore, registry has been received back through post. Apart from this, an email was issued to the Station House Officer Adarsh Mandi, Shamli, U.P to find out the residential area of the opposing party through letter No-31-SE-AHTU dated 18-01-024 and the contact was also established on the mobile number 9454404074 of Station House Officer of the police station, but there has been no response from the Station House officer of the police station so far. Against opposite party notice against Jasleen Kaur's in-law address house number-19, Dashmesh Nagar Tarn Taran Road Amritsar was also sent. On which Jasleen Kaur's husband Gurdeep Singh came and recorded a statement that his wife along with his daughter living separately from him



since 4 months and is living with her parents Rajdeep Singh (father-in-law) and Gagandeep Singh (brother-in-law) at Mohalla Punjabi Colony Shamli UP. In this way, every possible effort was made to join the opposition party in investigate, but the opposition party could not be investigated.

3. To verify the lisencc no. of Travel Agents against the opposite party letter no.-32-5E-AHTU dated 18.01.2024 has been written to the office of Hon'ble Deputy Commissioner Amritsar, the report has been received from the office of Hon'ble Deputy Commissioner Amritsar vide letter number M.A/M.C-3/263 dated 06.02.2022. It has been written in his report that as per the record of this office, no travel lisencc had been issued in the name of Travel Agent Jasleen Kaur wife of Randeep Singh resident of House no. 1, Dashmesh Nagar Tarn Taran Road, Amritsar at present resident of Mohalla Punjabi Colony Shamli U.K, Gagandeep Singhson of RajdeepSingh, Amarjit Singh son of Sher Singh resident of Mohalla Punjabi Colony Shamli UP, the copy of report is attached herewith.

3. Regarding verification any FIR against the respondents letter number 17-5E-AHTU dated 10.01.2024 and letter number-30-5E-AHTu dated 18.01.2024 through Email has been written to the concerned Station House Officer police station Adarsh Mandi, Shamli, U.P. and in this regard the contact was made on the mobile number 9454404074 on the concerned Station House Officer of police station. But no response was received from the Station House officer of Police station. Apart from this by issuing letter No-22-5E-AHTU dated 16-01-2024 to the local Station House Officer police Station Sultanwind of Jasleen Kaur's in-laws address House No-119, Dashmesh Nagar, Tarn Taran Road, Amritsar it has been written whether any FIR is registered against her regarding cheating with any person, written about cheating someone. According to the report of the Head Munshi police station, the record of the conviction was found.

4. The statement and records were obtained by re-examining the



complainant to legally prove the money given by Mani Singh. In the application Mani Singh stated that money given by him to go abroad to America to Gagandeep Singh son of Rajdeep Singh, Amarjit Singh son of Sher Singh resident of Mohalla Punjabi Colony Shamli UP and Jasleen Kaur wife of Gundeep Singh resident of House No.-119, Dasmesh Nagar, Tarn Taran. Road, Amritsar at present resident Mohalla Punjabi Colony Shamli UP, he gave Rs.1 lakh from his account number 54310134945 Standard Chartered Bank Branch Mall Road and Rs. 1,80,000/- once from account number 9878621111 Bank Kotak Mahindra Branch Gillwali and Rs. 2,50,000/- were given by withdrawing in cash from the bank once, earlier he used to run a readymade clothing shop named RK Collection Taran Taran Road Amritsar and whatever profit he got from that shop, he used to deposit it in the above said banks, which he withdrew a total of Rs.5,30,000/- from his bank deposits and gave them and 9,600 Dirham (Rs. 2,86,655/-) I gave to an unknown person in Dubai at the request of the above said persons and 9600, out of the above said 9600 Dirham he had given 9200 Dirham (total amount Rs. 1,99,847/-) and the remaining amount in cash (total amount of (Rs. 86,808/-) through ATM at Dubai from his account number 20011021151880 SBM Bank Branch Mumbai. (Regarding which complainat Mani Singh's record, MSME certificate of RK Collection, GST certificate and affidavits are attached herewith). 5. For legally verifying the application Mani Singh's passport, letter number 8-5E-AHTU dated 04-01-2024 has been issued to the Office of the Chief Administrator Passport Authority Amritsar and a report has been obtained from Passport Office Amritsar, according to the report Passport No.-L8394188 has been found on the name of Mani Singh. Which is attached with the report for perusal. 6. According to the statement of Mani Singh and witness Gundeep Singh regarding whether the opposing party has cheated with any other person or not, no such thing has come



out. Conclusion Report: Opposite party Gagandeep Singh son of Rajdeep Singh, resident of Mohalla Punjabi Colony, Shamli U.P. Amarjit Singh son of Sher Singh resident of Rampura U.P. Jasleen Kaur wife Gundeep Singh Resident of House No-119, Dashmesh Nagar, Tarn Taran Road, Amritsar atpresent Resident of Maholla Punjabi Colony, Shamli UP despite being aware of the fact were not deliberately included in the investigation and neither produced any evidence or documents regarding the allegations of fraud of Rs.6,19,655/- on the pretext of sending complainant abroad America, which clearly shows that the opposite party has deliberately cheated with complainant Mani Singh in greed.

Recommendation: The Investigation is required to be initiated after registering the FIR under section 420, 120-B IPC against opposite party Gagandeep Singh son of Rajdeep Singh resident of Mohalla Punjab Colony Shamli UP, Amarjit Singh son of Sher Singh resident of Rampura UP and Jasleen Kaur wife of Gundeep Singh resident of House No. 119 Dashmesh Nagar Tarn Taran Road Amritsar. Apart from this, as the matter is related to sending abroad, it is recommended to obtain a legal opinion from DA Legal Sahib regarding the imposition of section 13 Punjab Travel Professional Regulation Act 2014 and issue necessary guidelines to Statin House officer Police Station Sultanwind, Amritsar. The report is presented. Sd/-Assistant Commissioner Police Anti-Human Trafficking Unit Amritsar City. On which Additional Deputy Commissioner Police Crime Amritsar City agreeing with the report of Anti Human Trafficking Unit, District Amritsar City, enquiry report alongwith original document has been sent to Hon'ble Commissioner of Police Amritsar City, who wrote to DA Legal that D.A Legal Branch Amritsar NO 179 Dt 19-3-24, sd/- Hon'ble Commissioner of Police Amritsar City dated 18.03.2024. The D.A. legal gave its opinion as follows: Subject: Reference regarding Application No. 252078-PGD dated 25-10-2023, Sir, I have perused the investigation report



of Additional Deputy Commissioner of Police, Crime Amritsar City along with attached documents carefully According to my legal opinion, on the basis of the investigation report, the offense at this stage is found to be under Section 420,120 IPC and Section 13 of The Punjab Travel Professionals Regulation Act 2014, if approved. Sd/- Deputy District Attorney (Legal) Amritsar, dated 26-3-24 on which the Hon'ble Commissioner of Police Amritsar City ordered the Station House Officer Police Station Sultanwind Amritsar to register a case and investigate. Sd/- Hon'ble Commissioner of Police Amritsar City dated 2.4.2024. Today at police station: At this time, the inquiry report along with the above said numbered application received at the police station through Post from the Office Commissioner of Police Amritsar city for registration of FIR. Therefore, FIR Under section 420,120 B IPC and Section 13 of Punjab Travel Professionals Regulation Act 2014 has been registered. Due to Section 13 of Punjab Travel Professionals Regulation Act 2014, the investigation of this case has to be done by the Gazetted Officer on which the inquiry report along with the original complaint and copy of the FIR is being forwarded through Post to the office of ACP/South Amritsar for further investigation. Control room has been informed through wireless. Completion report number: Time PM.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner would contend that it is merely a matrimonial discord between the parties, which has been given the shape of present FIR with false recursions of alleged demand to the tune of Rs.12 lakhs for sending the complainant to America on tourist visa.



Learned counsel for the petitioner further argued that the instant FIR is a counterblast to the earlier FIR lodged by the petitioner under Sections 498-A, 323, 307, 354, 354-B, 504, 506 of IPC read with Section 3 and 4 of Dowry Prohibition Act, 1961, bearing FIR No.00212 dated 26.10.2023, registered at Police Station Adarsh Mandi, District Shamli U.P.

The said FIR was lodged only after making thorough inquiry into the complaint which was filed in 2023 which is stated to be submitted by the petitioner against the complainant but the same has been countered by the instant FIR on a concocted story. Learned counsel for the petitioner further submits that none of his family members are involved in any travel agency business and her brother is a IT professional and working in a very reputed company with a provisional certificate of Bachelor of Technology, whereas maternal uncle of the petitioner is also IT professional and doing a job.

Referring to the aforesaid official position of the maternal uncle and brother of the petitioner, the story has been concocted giving it a colour of cheating on account of sending the complainant abroad whereas the cheques in question were with the husband of the petitioner which she handed over to Mani Singh and got it dishonoured which was actually misused with deceitful act at the behest of the complainant itself.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Jatinder Singh contends that the petitioner, her brother and maternal uncle (*mama*) are hand in glove with each other and have duped the complainant with a promise to send him to USA via Dubai who



was asked to pay Rs.2,86,665/- (9600 Dehram at Dubai) to Gagandeep Singh, who was brother of the petitioner and in addition thereof one cheque bearing No.600396 dated 06.10.2023 was also paid to the complainant for an amount of Rs.3,50,000/- and the said cheque on presentation got dishonoured. It is only on this factual background, the State has argued for dismissal of the instant petition on account of having a fraud played upon the complainant for Rs.6,19,655/-.

On behalf of complainant

Mr. G.S. Verma, Advocate, puts in appearance on behalf of the complainant and has filed his Power of Attorney in Court, which is taken on record.

Learned counsel appearing on behalf of the complainant, in addition to the submissions made by learned State counsel, would contend that in fact Rs.5,30,000/- was given to the petitioner and for the purpose of returning the same once she could not arrange the petitioner's departure to US via Dubai handed over the cheque which has been dishonoured and from the very beginning there was an intent to commit fraud upon him.

As far as the FIR qua matrimonial discord is concerned, his name was planted therein as well but he was found innocent during the course of investigation.

4. Analysis

Be that as it may, without commenting upon the material on record to be led in evidence to establish the case of prosecution, this Court cannot ignore the fact that the FIR No.00212 dated 26.10.2023 registered at

Police Station Adarsh Mandi, District Shamli U.P., is prior in time and the



version of the petitioner also cannot be disbelieved outrightly and also with the added aspect that custodial interrogation of the petitioner could not be pointed out to be mandatory for the reason that money is to be recovered qua the cheque which has been dishonoured. The factum of matrimonial discord between the petitioner and her husband has not been denied either by the complainant nor by the learned State counsel and therefore, the chances of counterblast and the case put forth by the petitioner appears to be correct and also equally in balance with the case of the complainant.

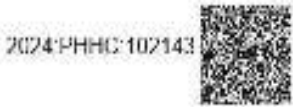
This Court having given thoughtful consideration to all the aspects on merits with the FIR and the submissions made before this Court on behalf of respective counsels appearing for the parties opines that custodial interrogation of the petitioner at this stage would not be necessary wherein in the light of undertaking given by the counsel for petitioner he is ready and willing to join investigation.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his 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 which are reproduced below :-

(i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*

(ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the*



facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

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 allowed.

(SANDEEP MOUDGIL)
JUDGE

08.08.2024
Sangeeta

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