



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

CRM-M-39859-2024

Date of Decision : 20.11.2024

AMARJIT KAUR AND ANOTHER

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kunal Garg, Advocate,
for petitioner no.1.

Petition *qua* petitioner no.2 dismissed.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Ajit Singh, Advocate for
Mr. Paviterdeep Singh Bhinder, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 24.09.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“CRM-M-39859-2024

4. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioners seek the concession of anticipatory bail, in case FIR No.90 dated 22.07.2024, under Section 420 of the IPC, registered at P.S. Sadar Patiala, District Patiala.

5. After addressing arguments for some time, when this Court was not inclined to grant the relief of anticipatory bail to the petitioner No.2, the learned counsel for the petitioners seeks leave to withdraw the instant petition *qua* petitioner No.2.

6. Leave granted.

7. Consequently, the instant petition is dismissed as withdrawn *qua* petitioner No.2.

8. Insofar as the petitioner No.1 is concerned, the learned counsel representing her submits that, in fact, the petitioner No.1 is working as a helper in Anganwari and she has nothing to do with the business of travel agent. Merely on account of her being the mother of the petitioner No.2, the petitioner No.1 had appended her signatures on the settlement agreement, in order to discharge the liability.

9. At this stage, Mr. Paviterdeep Singh Bhinder, Advocate, records his

appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today, and, opposes the request for grant of anticipatory bail to the petitioner No.1.

10. List on 20.11.2024.

11. In the meantime, the petitioner No.1 (now sole petitioner) is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S.”

2. Today learned State counsel has filed a status report, dated 19.11.2024, by way of an affidavit dated 19.11.2024, sworn in by Sh. Rajesh Kumar Chhiber, SP (Rural), District Patiala, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

3. A perusal of the status report (*supra*) reflects that during investigation offence under the provision of Section 13 of the Punjab Travel Professionals (Regulation) Act, 2012, has been incorporated in the instant FIR. Therefore, on the oral request of learned counsel for the petitioner no.1, the said section is added in the head note as well as prayer clause of the instant petition.

4. The Registry is directed to carry out necessary corrections in the head note and the prayer clause.

5. He further, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, though the petitioner(s) has joined investigation, however, the disputed amount is yet to be recovered.

6. Learned counsel for the complainant also opposed the asked for relief to petitioner no.1.

7. This court has considered the rival submissions made by learned counsel for the parties concerned, and has gone through the entire case file.

8. Considering the fact that since petitioner no.1 has joined the investigation, and has fully co-operated with the investigating officer, and non-recovery of amount cannot be a ground, for declining the relief of anticipatory bail to the present petitioner no.1, as the instant proceedings of granting anticipatory bail cannot be converted into a suit for recovery for which the complainant has an alternative remedy, and further considering the gravity of the allegations, the hereinabove extracted interim order dated 24.09.2024, is hereby made **absolute qua petitioner no.1**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

9. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

10. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

11. All pending application(s), if any, also stand **disposed** of accordingly.

November 20, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No