

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-45947-2024
Date of Decision:16.09.2024

Harshita Khurmi

...Petitioner

vs.

State of Punjab

...Respondent

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : Mr. Piyush Setia, 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 482 of B.N.S.S with a prayer to grant anticipatory bail to her in case FIR No.385 dated 22.12.2023 under Sections 406,420,120-B of IPC and Section 24 of Emigration Act, registered at Police Station Zirakpur, District SAS Nagar (Annexure P-1).
2. Learned counsel for the petitioner contends that the F.I.R in the present case has been registered after a long and unexplained delay. He further contends that initially the FIR was registered only against Surinder Kumar Khurmi, husband of the petitioner. The husband of the petitioner was joined by the police, during the process of investigation and on completion of the investigation, the challan has already been presented on 11.03.2024 against Surinder Kumar Khurmi, husband of the petitioner. He further contends that the after the presentation of the challan against her husband, the petitioner is sought to be implicated in a false case by the police. He further contends that in fact, the petitioner herself is a victim of fraud committed by the complainant side and has referred to the sale deed in this regard. He further contends that the case is

based on documentary evidence and the custodial interrogation of the petitioner may not be required in the peculiar facts and circumstances of the present case.

3. On the other hand learned State counsel on instructions from ASI Labh Singh has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that during the course of investigation, the involvement of the petitioner has been established, however, he could not dispute the fact that Surinder Kumar Khurmi, husband of the petitioner has already been admitted to bail and the challan has already been presented against him, before the competent Court.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. In the present case, the allegations are mainly levelled against Surinder Kumar Khurmi, husband of the petitioner, who was arrested by the police and has been admitted to regular bail. After his arrest, the documentary evidence was taken into possession by the police and the investigation has already been concluded. Thus, in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required, at this stage.

6. Consequently, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of the B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and she shall abide by the conditions mentioned in Section 482 (2) of the B.N.S.S.

16.09.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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