

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51819 of 2023
Date of decision: 11th January, 2024

Himani Sharma @ Himani Bhandari

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

Ms. Nandini Sharma, Advocate for
Mr. Prateek Sodhi, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.125 dated 27.09.2019 under Sections 420/120-B of the Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals Act, 2014, registered at Police Station Majitha Road, Amritsar.

2. On the last date of hearing, i.e. 12.10.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked her to join investigation.

*“Learned counsel for the petitioner, inter alia,
submits that admittedly the petitioner along with her*

husband is running a travel agency. He further submits that no doubt the petitioner had taken ₹ 28.00 lakh from the complainant by giving an assurance that he would be sent to Canada, however subsequently, there had been some change in the Canadian policy qua immigration, as a result of which the petitioner was unable to abide by the assurances given. It has been submitted that the amount of ₹ 28.00 lakh, which had been taken from the complainant, has since been returned to him. It has also been submitted that after the registration of the FIR in question, misunderstanding between the accused party and the complainant had been removed, as a result of which, petition under Section 482 Cr.P.C. for quashing of FIR in question had been filed.”

3. Learned counsel for the petitioner submits that she was unable to join investigation in compliance of the order dated 12.10.2023 as she had met with an accident soon thereafter. It has also been submitted that subsequent to the registration of the FIR in question, the parties have amicably settled all their disputes and have already approached this Court under Section 482 Cr.P.C. for quashing of the FIR in question on the basis of compromise.

4. Learned State counsel, on instructions, has also not disputed the factum of the petitioner having met with an accident.

5. Learned counsel appearing on behalf of the complainant/respondent No.2 has also not disputed the submissions made by the counsel opposite qua the factum of compromise having been

effected between the parties. She has also not opposed the prayer for grant of concession of anticipatory bail to the petitioner.

6. In the circumstances, the petition is allowed and the interim order dated 12.10.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

January 11, 2024
rps

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