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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 53626 of 2023

Date of Decision: 08.02.2024

DILPREET KAUR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Tarun Deora, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Gursimran S. Bawa, Advocate for the complainant.

SANJIV BERRY, J.

The instant petition has been preferred by the petitioner under Section 438 of the Code of Criminal Procedure for anticipatory bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
58	09.04.2023	420, 120-B IPC and Section 13 of Punjab Travel Professional Regulation Act	A-Division, Amritsar

2. It is *inter alia* contended by learned counsel for the petitioner that in compliance of the orders dated 18.01.2024 passed by this Court petitioner has joined the investigation. He further contends that no amount was deposited in her account by the complainant, as such she is not required

for custodial interrogation, hence he prays for confirmation of the bail.

3. Mr. Gursimran S. Bawa, Advocate has pur in appearance on behalf of the complainant and filed Power of Attorney, the same is taken on record. Learned counse for the complainant opposed the bail application by arguing that the recovery of money paid by he complainant is to be recovered from her, as such she is not entitled for grant of concession of anticipatory bail.

4. Learned counsel for the State on instructions from Gurjinder Singh, ASI, present in Court has stated that in pursuance of the order dated 18.01.2024 passed by this Court, the petitioner had joined investigation and is not required for further investigation nor required for custodial interrogation in the case.

5. During the course of hearing on 18.01.2024, the following order was passed, relevant portion is reproduced here as under:-

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case as she was working as Manager in the company run by the co-accused. He further contends that even the documents transmitted through mobile phone to the complainant were sent by her in the capacity of Manager as were so received from the co-accused.

3. Learned counsel appearing for the complainant assisting learned State counsel has also opposed the bail application. However, learned State counsel, while referring to the reply dated 08.11.2023 filed in the form of affidavit of Additional Deputy Commissioner of Police, City-3, Amritsar, contends that fake documents were transmitted to the complainant by the petitioner through her mobile phone and as such her custodial interrogation is required.

4. Considering the facts and circumstances of the case, without commenting on the merits, it is deemed appropriate that the petitioner should join the investigation first before deciding the petition on merits.

Accordingly, petitioner is hereby directed to join investigation within seven days from today and in the event of her arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

5. *Adjourned to 08.02.2024."*

6. As per statement of Investigating Officer, Gurjinder Singh, ASI, present in Court stating that the petitioner had joined investigation and is not required for further investigation nor required for custodial interrogation in the case. Consequently, keeping in view the above facts and circumstances and the fact that the petitioner had joined investigation and not required for further investigation or custodial interrogation, the interim bail granted to the petitioner vide order dated 18.01.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, she will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required.

7. The petition stands allowed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.02.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No