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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53719-2024 (O&M)
Date of Decision:- 25.11.2024

SHIKHA PAHWA

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Navraj S. Mahal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

Mr. Gaurav Jain, Advocate for respondent No.2.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 24.11.2024 filed in the form of an affidavit of Deputy Superintendent of Police, City-II, District Patiala is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Heard.
3. By way of present petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
222	08.09.2024	420, 406 and 120-B IPC	Tripri, District Patiala

4. Learned counsel for the petitioner has submitted that in



compliance to the order dated 28.10.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

5. Learned State counsel, on instructions received from ASI Lakhvir Singh has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor she is required for further investigation.

6. Learned counsel appearing on behalf of the complainant has submitted that the petitioner had actively participated in the transaction as such she is not entitled to the concession of bail.

7. During the course of hearing on 28.10.2024, the following order was passed:-

“ . It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is a lady aged about 46 years having no criminal antecedents and she has been working as a travel consultant. He contends that the petitioner had taken only an amount of Rs. 40,000/- from the complainant for the purpose of verification of the documents and had never allured the complainant for providing study VISA as alleged in the FIR. He contends that the petitioner has no concern with the co-accused and is made a scapegoat in the transaction.

3. Learned counsel for the petitioner further contends that the petitioner is ready to deposit the aforesaid amount of Rs. 40,000/- before the learned Trial Court, if so directed. Hence, he seeks anticipatory bail to the petitioner.

4. Notice of motion.

5. On the asking of the Court, Mr. Adesh Pal Singh, AAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions received from ASI Harjinder Singh, submits that as per record, only an amount of Rs. 40,000/- has been paid to the petitioner by the complainant. He prays for time to file the status report/reply in the matter.

6. Adjourned to 25.11.2024.



7. Needful be done well before the date fixed with an advance copy to the counsel opposite.

8. In the meanwhile, the 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS).

9. Investigating Officer (concerned) to remain present in Court along with relevant records on the date fixed.”

8. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 28.10.2024 passed by this Court, interim bail granted vide order dated 28.10.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

9. The petition stands allowed.

(SANJIV BERRY)
JUDGE

25.11.2024
S.Sharma(syr)

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