



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

102

CRM-M-57880-2023

Date of decision: May 13th, 2024

Jasdeep Dulkoan

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sarju Puri, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Prayer in the instant petition filed under Section 439 (2) of the Code of Criminal Procedure, 1973, is for cancellation of pre-arrest bail granted to accused/respondent No.2 vide order dated 22.08.2023 (Annexure P-1) passed by learned Additional Sessions Judge, S.B.S. Nagar, in case FIR No.32 dated 04.05.2023 under Sections 420, 465, 467, 468, 471 and 120-B of the IPC and Section 12 of Passport Act, registered at Police Station City Banga, District S.B.S. Nagar.

2. Learned counsel for the petitioner submits that the trial Court while passing the impugned order extending the concession of anticipatory bail to the respondent-accused failed to take into account the nature and gravity of the allegations levelled against her, particularly the factum of the respondent-accused being in possession of two passports, which she had obtained by giving incorrect particulars and which then she had been using for travelling to various destinations. Learned counsel has also asserted that before the trial Court granted the concession of anticipatory bail to the respondent-accused vide order dated 22.08.2023, on the previous date

of hearing, the Investigating Officer had made a categorical statement before the trial Court that the respondent-accused had not been cooperating with the Investigating Officer; resultantly, the respondent-accused was again given directions to join investigation and cooperate with the Investigating Officer, however, strangely on the next date of hearing, the Investigating Officer made a statement before the trial Court concerned that not only had the respondent-accused joined investigation and cooperated with the investigating agency but her custodial interrogation was also not required. Learned counsel submits that in the circumstances, the trial Court had committed grave illegality and error in enlarging the respondent-accused on bail vide impugned order. Hence, the impugned order granting the extraordinary concession of bail to the respondent-accused, deserved to be set aside.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the impugned order.

4. While deciding a petition for grant of bail, several crucial factors come into play, including the nature and severity of the allegations levelled against the accused, the likelihood of the accused fleeing to evade justice, criminal antecedents, if any, and the potential for tampering with evidence or influencing witnesses. These considerations are paramount in ensuring the integrity of the legal process, and also for safeguarding the interest of justice.

5. In the instant case, the trial Court granted the concession of anticipatory bail to the petitioner by making the following observations:-

“2. Heard. Interim anticipatory bail was granted to applicant/accused on 11.08.2023. Applicant/accused has furnished her affidavit to the effect that as per

directions of the Court, she has appeared before the Investigating Officer and handed over the requisite documents to the Investigating Officer. Thereafter, Investigating Officer of this case namely SI-Varinder Kumar, No.645/SBSN, PS, City Banga has also come present in the Court and suffered a statement that applicant/accused Anju Dulkaon @ Anju has joined the investigation on 16.08.2023 and she is no more required for custodial interrogation. Criminal liability of the applicant/accused is debatable in this case which will be determined during trial. Custodial interrogation of applicant/accused is not essential. Consequently, in view of the statement of Investigating Officer, interim anticipatory bail order dated 11.08.2023 is made absolute subject to the conditions already imposed vide order dated 11.08.2023 passed by this Court. Record be returned. File be consigned to the Record Room.”

6. A perusal of the above observations of the trial Court reveals that the accused had not only joined investigation but importantly, the Investigating Officer had also confirmed before the trial Court that the respondent-accused was not required for further investigation much less for her custodial interrogation. Given this context, the decision of the trial Court to extend the concession of anticipatory bail to the respondent-accused cannot be faulted with and thus, does not warrant any interference.

7. Moreover, it is also imperative to underscore that the petitioner has failed to bring to the notice of this Court any supervening circumstances after the passing of the impugned order from which it could be discerned that the respondent-accused had either misused the said concession of bail or the liberty that had been granted to her.

8. As a sequel to the above and in the absence of any

compelling reasons indicating any misuse of conditions imposed upon the respondent-accused vide the impugned order, no ground is made out to accept the prayer of the petitioner.

9. The instant petition stands dismissed.

May 13th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No