

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

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2024:PHHC:019026
CRM-M-58190-2023
Date of decision: February 12th, 2024

Amita
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jagandeep Singh, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.107 dated 14.10.2023 under Sections 420, 406, 506, 120-B of the Indian Penal Code, 1860, registered at Police Station Julkan, District Patiala.

2. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions from HC Gurvinder Singh, has informed the Court that the petitioner is involved in two other criminal cases.

3. Learned counsel for the petitioner has, however, disputed the instructions received by the learned State counsel. He submits that no doubt, the petitioner was indeed involved in another case of similar nature in FIR No.146 dated 24.07.2021 under Sections 406, 420, 506 of the IPC registered at Police Station Urban Estate, Patiala, however, it was a matter of record that the petitioner had been found innocent in the said case. Qua the other case FIR No.150 dated 14.09.2023, it has been submitted that the petitioner had already been extended the concession

of interim bail by this Court vide order dated 03.04.2023 (Annexure P-11).

4. On a pointed query put to the learned State counsel as to whether any sum of money had been allegedly transferred in the name of the petitioner or handed over to her in cash, he on instructions, has replied in the negative but at the same time, he has submitted that it was in her presence that an amount of ₹8 lakh was handed over to her son i.e. the prime accused.

5. On the last date of hearing, after noticing the following submissions of the learned counsel for the petitioner, he had been asked to join investigation:-

“Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, inter alia submits that other than her presence being shown when the complainant handed over a sum of ₹ 8.00 lacs to the prime accused Chetan Goyal, no other role had been attributed to the petitioner, much less of luring the complainant to part with the said money on an assurance of sending him and his son to the United States. It has also been submitted that identically placed co-accused Neha i.e. wife of the prime accused Chetan Goyal, had been extended the concession of interim bail vide order dated 26.10.2023.”

6. Learned counsel for the petitioner has submitted that in compliance of the order dated 20.11.2023, petitioner has joined investigation and cooperated with the investigating agency.

7. Learned State counsel, on instructions from HC Gurvinder Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency.

He on further instructions submits that the petitioner is not required for

further investigation much less for her custodial interrogation.

8. In view of the above, the petition is allowed and interim order dated 20.11.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

February 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No