

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-60561-2023
Date of Decision : 08.02.2024

BALJIT KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms.Ruby Kaur, Advocate,
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr.Sandeep Singh Jattan, Advocate
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 11.12.2023, the following order was passed by this
Court:-

The instant petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 342 dated 20.10.2023, under Sections 406 and 420 of IPC, Section 24 of the Immigration Act, registered at Police Station Tanda, District Hoshiarpur.

On the last date of hearing i.e. 02.12.2023, the following order was passed:-

“Through the instant petition filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No. 342 dated 20.10.2023, under Sections 406 and 420 of IPC, and Section 24 of the Immigration Act, registered at Police Station Tanda, District Hoshiarpur.

The allegations against the petitioner are that she has duped the complainant for a sum of Rs. 38,50,000/- on the pretext of sending his son namely Rajinder Singh to USA. Learned counsel for the petitioner submits that there is no evidence on record to show that the money was transferred in her account, and she pleaded that the allegations against her are false.

At this stage, this Court deems it appropriate to issue notice to the respondent-State, enabling the latter to file reply to the instant petition disclosing therein the incriminating material collected by the

prosecution agency which points out the role of the present petitioner in the alleged offence.

Notice of motion.

Mr. Karunesh Kaushal, AAG, Punjab, accepts notice on behalf of the State and seeks time to file reply accordingly.

List on 11.12.2023.”

In compliance of the above order, today short reply by way of affidavit of Kulwant Singh, PPS, Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur, has been filed on behalf of the respondent-State of Punjab, which is taken on record.

A perusal of the reply(supra) reveals that the only evidence so far collected by the prosecution is the withdrawal of about Rs. 20 lakhs by the complainant on different dates by the complainant from her bank accounts. Para 6 of the reply reads as under:-

“That it is submitted that the petitioner took Rs.38,50,000/- in cash from the complainant on the pretext of sending Rajinder Singh son of the petitioner to America and the petitioner gave forged and fabricated Visa of America in the name of son of the complainant. Rs.10 Lakh in cash and passport o Rajinder Singh were given to the petitioner by the complainant on 11.09.2019. This amount was withdrawn by the complainant from Punjab and Sind Bank. Further on 31.10.2019 'Ten Lakh were paid to her, out of which, Rs.8,40,000/- were withdrawn by the complainant from her bank and Rs.1,60,000/- were lying with the complainant. Further withdrawn Rs.9 Lakh on 10.11.2020 and on Rs.11 Lakh were withdrawn 12.11.2020 and the same were paid to her by the complainant after withdrawing the same from the bank. Further Rs.18,50,000/- were paid to her on 12.11.2020 in the presence of Harvinder Singh and Gural Singh. Thus the petitioner has committed fraud of Rs.38,50,000/- with the petitioner on the pretext of sending the son of the complainant to America but the petitioner neither sent son of the complainant to America nor returned Rs.38,50,000/- to the complainant.”

As on date, it is not under dispute that there is no other evidence except the above withdrawal which was made by the petitioner herself. There is no other evidence available with the prosecution agencies that this amount was transferred in favour of the petitioner. He further submits that there is no evidence that the visa which is alleged to be a fake visa was ever supplied by the petitioner.

Learned counsel for the State submits that they further require some time to conclude the investigation and the petitioner is also required to join the investigation, so that the veracity of the allegation can be ascertained.

In view of the above, a specific direction is given to the petitioner to join the investigation within 15 days from today with the investigation officer/concerned.

In case, the petitioner joins the investigation, she shall be released on interim bail to the satisfaction of the Investigation Officer. The petitioner will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Adjourned to 08.02.2024.”

2. Learned State counsel, on instructions, submits that the petitioner has already joined the investigation in pursuance to the

aforesaid order, and she has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. At this stage, Mr.Sandeep Singh Jattan, Advocate, has caused appearance on behalf of the complainant, through a validly executed power of attorney in his favour, which is taken on record and submits that the husband of the present petitioner is always residing abroad, and there is a likelihood that the petitioner after taking the benefit of the interim relief, as granted by this Court, may abscond from the clutches of law.

4. Considering the submissions as made by both the parties concerned, this Court deems it appropriate to allow the present petition, and to confirm the order dated 17.11.2023, on the same terms and conditions, however, subject to an additional condition that the petitioner shall forthwith submit her passport, if any, with the learned *Illaq*a Magistrate concerned, and also to tender an affidavit that she will not leave the territory of India, without prior permission of the learned Magistrate/Court concerned.

February 08, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No