

Balwinder Kaur ...Petitioner

State of Punjab ...Respondent

Mr. Shiva Khurmi, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
26	09.08.2023	Vigilance Bureau, District Amritsar Rural	409, 420, 120-B IPC and 13 (1) (a) read with 13 (2) of PC Act, 1988 (Amendment) Act, 2018

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 15.12.2023, the petitioner has been granted interim anticipatory bail and the said order is continuing till date.
3. Counsel for the petitioner seeks bail on the ground that even if the entire case of prosecution is admitted to be correct, the petitioner not only lost the money which she had allegedly given as bribe and they would have no objection if the government takes back the alleged land from them. Moreover, the order which was passed in her favour has already been stayed by the higher court i.e. the Court of Commissioner. Counsel for the petitioner further submits that they should not be denied bail and they would have no objection whatsoever to return the land. Counsel further submits that they would not take such concession as violative of Article 20/21 of the Constitution of India or Indian Evidence Act or any other law.
4. Given the specific stand of the petitioner that no loss would be caused to the State government because they would return the land as and when the authorities come and take it back if it is found in their possession, they would leave the possession in favour of the government and would not object to the same (without conceding and

admitting its evidence in the trial) and coupled with the fact it was the lapse on the part of the corrupt government officials and further that the petitioner is a woman, there is no need for custodial interrogation and also no need for pre-trial incarceration.

5. Given above, the petition is allowed and interim order dated 15.12.2023 is made absolute.

Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

10.01.2024
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.