

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-64858 of 2023
Date of Decision: February 08, 2024

Monica

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Mr. Himanshu Puri, Advocate
for the petitioner

Mr. Subhash Godara, Addl. A.G. Punjab

Harpreet Singh Brar, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.95 dated 01.10.2023 registered under Sections 406/420/120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Sadar Kapurthala, District Kapurthala.

2. On 22.12.2023, the following order was passed :-

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.95 dated 01.10.2023 under Sections 406/420/120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Sadar Kapurthala, District Kapurthala (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner is a house wife and she has no connection or knowledge with regard to the transaction between her husband and the

complainant. He further submits that the petitioner is in advance stage of pregnancy and the delivery is due in January, 2024 as discernible from the medical report (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab. who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 08.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. ”

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3. Learned State counsel, on instructions from ASI Lakhwinder Pal Singh, states that pursuant to order dated 22.12.2023, the petitioner has joined the investigation and is no more required for custodial interrogation.

4. In view of the statement of learned State counsel, order dated 22.12.2023 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. Petition stands disposed of.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

February 08, 2024*reena***Whether speaking/reasoned : Yes/No****Whether Reportable : Yes/No**