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

**CRM-M-3450-2025 (O&M)
Date of decision : 03.03.2025**

Alaska Raj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S. Sidhu, Advocate for the petitioner.

Ms. Avneet, AAG, Punjab assisted by
Assistant Sub Inspector Harminder Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the B.N.S.S.'*) has been filed for grant of pre-arrest bail to the petitioner in FIR No.0394 dated 26.11.2024, under Sections 406, 420, 120-B of Indian Penal Code, 1860 (*for short 'IPC'*) and Section 24 of the Emigration Act, 1983, registered at Police Station City Kharar, District S.A.S. Nagar.

(2) Reply filed by way of affidavit dated 27.02.2025 of Karan Singh Sandhu, PPS, Deputy Superintendent of Police, Sub-Division, Kharar, District S.A.S. Nagar, on behalf of respondent-State, is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.



(3) Allegations are that the petitioner along with co-accused duped the complainants to the tune of Rs.12 Lakh on the pretext of sending them abroad.

(4) Learned counsel contends that petitioner was granted interim relief by this Court, vide order dated 22.01.2025 and in pursuance thereof, she has already joined the investigation; hence, her custodial interrogation is not required.

(5) Learned State counsel, on instructions, acknowledged the above factual position; but she opposed the prayer on the premise that recovery of money is yet to be effected.

(6) Heard learned counsel for the parties and perused the paper-book.

(7) Petitioner was granted bail relief by this Court, vide order dated 22.01.2025 and the order reads as under:-

“Contends, inter alia, that that no money has been received by the petitioner from the complainant till date.

Notice of motion.

Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of respondent; seeks time to have instructions and/or to file written response in the matter.

Posted for 03.03.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer, but she be not arrested till the next date of hearing.”

(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation. So



far as the objection raised by learned State Counsel that recovery of money is yet to be effected, would not be a ground to deny pre-arrest bail to the petitioner for the reason that police is not to act as recovery agents of the complainant in such cases.

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 22.01.2025 is made absolute subject to the conditions as envisaged under Section 482(2) BNSS.

(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(12) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

03.03.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

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