

CRM-M-52506-2024 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52506-2024 (O&M)
Date of Decision: 20.03.2025

Manpreet Kaur @ Priti ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ravi Chadha, Advocate
for the petitioner.

Mr. Gurpartap S. Bhullar, A.A.G., Punjab.

ANOOP CHITKARA, J.

CRM-11079-2025

For the reasons mentioned in the application, the same is allowed and the accompanying document is taken on record, subject to all just exceptions.

Main case

FIR No.	Dated	Police Station	Sections
32	12.07.2024	NRI (Urban), District Police Commissionerate Jalandhar	406, 420, 120-B, 34 IPC and 24 of Immigration Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 20 of the bail petition, the accused declares that she has no criminal antecedents.
3. The facts and allegations are being taken from status report filed by State counsel, which reads as follows:

“1) That FIR No.32 dated 12.07.2024 under section 406,420,120-B IPC and section 24 of Emigration Act, 1983 is registered in Police Station NRI, Jalandhar, against the present petitioner, Manpreet Singh i.e. husband of the petitioner and Balwinder Kaur i.e. mother-in-law of the petitioner.



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2) *That it is pertinent to mention that the complainant moved a complaint bearing UID No.2407358 dated 11.06.2024 against the aforesaid accused persons for duping him of Rs.26 Lacs and thereby caused him wrongful loss on pretext of send his Lovepreet Singh son to America. After conducting preliminary enquiry, the inquiry officer concluded that the accused(s) defrauded the complainant on pretext of sending his friend abroad for a huge sum of Rs.26 Lacs. Subsequently, the present FIR got registered.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail.

6. Counsel for the petitioner has drawn attention of this Court to para no.15 of the divorce petition which reads as follows:

“15. That the petitioner tolerated the inhuman and humiliating treatment given to her in matrimonial house by the respondent and his parents for such a long time with a hope that good sense will prevail upon them some day and she will have better days. She kept on putting up in the matrimonial house against all odds to save the marriage. All the efforts made by the mother of the petitioner for rehabilitation proved futile and the petitioner is residing separately from the respondent since from November 2022 after the death of her father in law. The period of stay of the petitioner in the matrimonial home after the death of father of the respondent is the period without the consummation of the matrimonial obligation with the respondent. The petitioner was unceremoniously turned out of her matrimonial house. The family members of the respondent became hostile and threatened the petitioner with dire consequences, if she tried to come back without his consent. Ever since from November 2022 the petitioner has been living separately from the respondent. The respondent never gave any maintenance to the petitioner nor even cared to inquire about the well being of the petitioner. However the respondent gave the threatening calls to the petitioner neither to come to the house of the respondent nor to show the ugly face to his mother and other family members. The petitioner had tuff time without any financial and moral support from the respondent and his family. The respondent never bothered to ask her welfare and refused to allow her to join co-habitation in his matrimonial house.”

7. Perusal of the divorce petition does point out that petitioner prima facie was residing separately from November 2022 and her husband i.e. main accused who otherwise is bad to the petitioner has become worsen after the death of her father-in-law. Moreover perusal of the petition reflects that the same was filed after filing of present petition. Allegation against the petitioner is of introducing the victim to her husband. Even if she had introduced the victim, it does not mean that she knew the conduct of the

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husband that he would cheat him.

8. State counsel submits that the divorce petition was filed on 13.11.2024 and it is a tactics to get bail and false allegations have been levelled.
9. There is matrimonial discord between the main accused and petitioner who is a woman. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioner is a first offender and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.
14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and



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shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.