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

**CRM-M-52069-2024
Reserved on: 06.03.2025
Pronounced on: 26.03.2025**

Seema ...Petitioner

Versus

State of Punjab and another …Respondents

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Pankaj Bali, Advocate,
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Harmilonjot, Legal Aid Counsel,
for respondent No.2.

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**ANOOP CHITKARA, J.**

| FIR No. | Dated | Police Station | Sections |
|---|---|---|---|
| 55 | 16.03.2024 | Division 8 Jalandhar | 406, 420, 419, 465, 467, 468, 471 IPC & Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014 |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court second time under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Vide order dated 04.11.2024, a Co-ordinate Bench of this Court had granted interim bail to the petitioner, which continues to date.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

> *"3. That present FIR No. 55 dated 16.03.2024 Under Section 406, 420, 419, 465, 467, 468, 471 IPC (120-B, 201 IPC later on) & Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 Police Station: Division No.8, Jalandhar was initially registered against accused Sukhwinder Singh (accused Ram Kishan and Seema i.e. petitioner nominated as accused lateron) was got registered by Pardeep Kumar and five other complainants by moving an application bearing no. 228-Peshi Dated 26-04-2022 before Commissioner of Police, Jalandhar with the*

*allegations that accused Vinay Sharma @ Sukhwinder and travel agent Seema (petitioner) had taken Rs.28,00,000/- from them for sending them abroad but thereafter, neither they were sent abroad nor abovesaid amount was returned to them. Rather, aforesaid Seema provided fake visas and tickets to them.*

*4. xxx xxx xxx*

*5. xxx xxx xxx*

*6. That after registration of FIR during course of investigation it transpired that on the asking of accused Sukhwinder Singh, complainant Pardip Kumar has got deposited sum of Rs.10,14,500/- from the Bank Account of his sister Amandeep Kaur bearing no. 5010024xxxxx maintained with HDFC Bank and account no.024200012xxxxx maintained with PNB to the account of Ram Krishan bearing no.91901006xxxxx maintained with Axis Bank on different dates. It is pertinent to mention here that from the Bank Account of Ram Krishan sum of Rs.4,97,000/- was transferred in the Bank Account of Seema i.e. petitioner maintained with HDFC Bank. This fact was evident in the enquiry report being conducted prior to registration of FIR. It is pertinent to mention here that accused Sukhwinder Singh has got deposited Rs.88 Lakh in the Bank Account of Ram Krishan and later on said amount was got transferred in the Bank Account of Seema i.e. petitioner.*

*7. That during course of investigation it further transpired that petitioner has received sum of Rs. 8 lakh cash from complainant. It is pertinent to mention here that complainant has categorically stated that said money was given by him to Seema and Sukhwinder Singh in the vehicle bearing no. PB-08-ET-6352 make Kiger Renault and said vehicle is registered in the name of Seema i.e. petitioner. It has further come on record during investigation that complainant has given Rs.80,000 cash to Seema i.e. petitioner on 21-03-2022 at Pathankot Chowk.*

*8. That during course of investigation it has further come on record that petitioner had filed CRWP 3912 of 2022 before this Hon'ble Court against complainant, this fact testifies that petitioner was acquainted with the complainant prior to registration of present FIR, however during enquiry of present FIR, petitioner shows reluctance about acquaintance with complainant.*

*9. That during investigation it has further come on record that after due enquiry, prior to registration of present FIR enquiry officer has recommended to register FIR against Sukhwinder Singh and Seema."*

4. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State's counsel opposes bail and refers to the status report. Legal aid counsel for respondent No.2 also strongly opposed the bail.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

> ***"Role of petitioner***
> *17. That there are specific allegations against the petitioner as she was actively connived with accused Sukhwinder Singh and Ram Krishan and she has got transferred duped sum of the complainants in her bank account as such present FIR was rightly registered against her, thus, the present petition is liable to be dismissed."*

**REASONING:**

7. I have heard counsel for the parties and gone through the record and its analysis would lead to the following outcome.

8. Although there is allegation of payment of Rs.8 lacs by cash by the complainant but the incident had taken place on 21.03.2022 i.e. around 3 years back.

9. Needless to say that petitioner has criminal history as mentioned in paras 10-11 of the reply, but this Court does not deem it appropriate to send the petitioner, who is a woman, behind bars, therefore this is not a case for pre-trial incarceration or custodial investigation and she is entitled to bail on the ground that payment was allegedly made to her by cash and she is a woman and further as per provisions of BNSS and CrPC, the bail conditions to the woman are lenient in ordinary offences.

10. It is clarified that bail to the petitioner shall not be a ground for other accused to seek bail on parity.

11. There is sufficient primafacie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although 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 the same for the bail stage.

12. The petitioner was granted interim protection, and during the interregnum, there is no allegation that she had intimidated the witnesses, hampered the investigation, or,

despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

CONDITIONS:

13. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and 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.

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

15. **Petition allowed** in terms mentioned above. Interim order dated 04.11.2024 is made absolute. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**
**JUDGE**

26.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No