



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

203

**CRM-M-1618-2025 (O&M)
Date of decision : 01.05.2025**

Anita Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karan Monga, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

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.37 dated 22.02.2024, under Sections 406 and 420 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Phillaur, District Jalandhar.

(2) Allegations are that petitioner in connivance with co-accused had duped the *de facto* complainant to the tune of Rs.10 Lakh on the pretext of sending him abroad.

(3) Status report by way of affidavit dated 30.04.2025 of Sarwan Singh Bal, PPS, Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar (Rural) on behalf of respondent, is taken on record. Copy thereof supplied to the opposite side. Registry to do the needful.

(4) Learned counsel contends that petitioner was granted interim bail by this Court, vide order dated 14.01.2025 and in



pursuance thereof, she has already joined the investigation; hence, her custodial interrogation is not required.

(5) *Per contra*, learned State counsel, on instructions from Assistant Sub Inspector Jasbir Singh, submits that petitioner was granted interim bail by this Court, vide order dated 14.01.2025 and she has already joined the investigation; but he opposed the prayer on the premise that recovery of alleged amount of Rs.10 Lakh is yet to be effected from the petitioner which she received for sending the *de facto* complainant to United States of America.

(6) Heard learned State Counsel and perused the paper-book.

(7) Petitioner was granted interim bail by this Court, vide order dated 14.01.2025 and the order reads as under:-

“Contends, inter alia, that petitioner did not receive any money from the de facto complainant-Tilak Raj and matter has been amicably settled between the parties i.e. petitioners and de facto complainant.

Notice of motion.

Mr. Mohit Kapoor, learned Sr. DAG, Punjab accepts notice on behalf of the respondent-State and seeks time to verify the above factual position.

Posted for 27.02.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of her arrest, the Arresting Officer would admit her to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.”



(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation. The objection raised by learned State Counsel to the effect 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 State police is not to act as recovery agents of the complainant in such like matters. Moreover, the payment of alleged money is an illegal transaction and has no sanctity in the eyes of law.

(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 14.01.2025 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.

01.05.2025

d.gulati

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No