

**In the Court of Kewal Krishan,
Addl. Sessions Judge, Ferozepur(UID: PB0182)**

Case Type	Bail Application.
CIS No.	BA/1155/2024.
CNR No.	PBFZ010031842024.
Date of order	24.05.2024.

Baljinder Kaur aged 32 years wife of Ekam Singh, resident of village Manuke, Tehsil Jagraon, Manuke, Ludhiana.

.....Applicant-accused.

Versus

State of Punjab

.....Respondent.

**FIR No.15 dated 21.02.2024.
Under Sections 420, 120-B, 506 IPC and 13 of
Punjab Prevention of Human Smuggling Act 2012.
Police Station: Mallanwala.**

**First application 438(i) of the Code of Criminal
Procedure.**

Present: Sh. Gaurav Mishra, Advocate, counsel for the applicant.
Ms. Teena, Addl. Public Prosecutor for the State with
ASI Major Singh

ORDER

Apprehending her arrest, the applicant has filed the instant application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail. ASI Major Singh has produced the record of investigation.

2. Arguments are heard. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the

instant case. There is unexplained delay of long period in registration of the FIR. False allegations have been levelled against the applicant, who has no concern with the business of immigration. She has not committed any offence. She has reasonable apprehension of her arrest as the police is raiding her residence. Nothing is to be recovered from her. As such, her custodial interrogation is not required and she is ready to join the investigation. She will not make any kind of threat or inducement to any person, who is acquainted with the facts of the case. Thus, the applicant may kindly be granted concession of pre-arrest bail.

3. On the other hand, Learned Addl. Public Prosecutor for the State hotly contested the application and argued that the applicant/accused along with other co-accused has cheated the complainant and misappropriated his money. For the purpose of thorough investigation, custodial interrogation of the applicant is required and she is not entitled to get concession of anticipatory bail.

4. This Court has heard the learned counsel for the applicant, learned Addl. Public Prosecutor for the State and has gone through the record carefully. As per prosecution version, complainant Nirmal Singh son of Dharam Singh moved complaint dated 03.10.2019 to the Inspector General of Police, Ferozepur Range, Ferozepur against applicant Baljinder Kaur and co-accused Amit Kumar, Ekam Singh Sandhu and Hari Singh alleging therein that the applicant and the co-accused have cheated him by receiving Rs.8,70,000/- from him on the pretext of sending him, his wife and children abroad. The amount was received through cheque as well as in cash. Earlier also, he had moved similar complaint dated 23.06.2018 to the Senior Superintendent of Police, Ferozepur but at that time he was not aware of the

whereabouts of the accused. He contacted Hari Singh on 24.08.2019, who had assured him that he would return the money but later on he refused to return the money.

5. On the basis of said complaint, an inquiry was conducted and DSP, Sub Division Rural, Ferozepur submitted his report the Senior Superintendent of Police, Ferozepur with recommendation to register FIR for offence punishable under Sections 406, 420, 120-B, 506 IPC against the applicant and co-accused. Thereafter, legal opinion of the ADA (Legal) was sought and on the order of Senior Superintendent of Police, Ferozepur, present FIR was registered against the applicant and co-accused Amit Kumar, Ekam Singh Sandhu and Hari Singh.

6. The Investigating Officer ASI Major Singh has appeared and made statement that notice under Section 41-A Cr.P.C. was served upon the applicant through her father-in-law Hari Singh on 24.04.2024 requiring her to join the investigation within a period of 14 days.

7. Keeping in view all aspects, this court deems it appropriate to allow the applicant to join the investigation. Thus, she is granted interim anticipatory bail with a direction to appear before the Investigating Officer and join the investigation within a period of 3 days and in the event of her arrest, she be released on furnishing the personal bonds in the sum of Rs.50,000/- (Rupees fifty thousand) with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer. This bail order is subject to the following conditions:

I) That the applicant shall join the investigation as and when called by the Investigating Officer;

- II) That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- III) That the applicant shall not leave the country without prior permission of the court.

Now, to come up on 28.05.2024 for awaiting report of Investigating Officer.

Dated : 24.05.2024.
anil kumar
Stenographer Grade-I

sd/-
(Kewal Krishan)
Addl. Sessions Judge, Ferozepur
(UID No. PB0182)