

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53280-2024
Reserved on: 11.11.2024
Pronounced on: 25.11.2024

Sajanpreet Kaur ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ferry Sofat, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	26.04.2024	Police State Crime Police Station, Police District Crime Wing, District SAS Nagar (Mohali)	420, 465, 467, 468, 471 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular 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 the reply filed by the State, which reads as follows:

“5. That the brief facts of the case are that the complainant Parminder Singh and other victims came in contact with the petitioner Sajanpreet Kaur, who was employed at Guru Nanak Dev Hospital, Amritsar. The petitioner Sajanpreet Kaur assured them of getting government jobs in various departments at Guru Nanak Hospital, Amritsar. To which, the complainant Parminder Singh and other victims fell into her trap and the petitioner managed to illegally obtain all their documents and money in lieu of securing the government job at the said hospital.

6. That the detail of the financial transactions made to the

accused/petitioner Sajanpreet Kaur alongwith the co-accused Manpreet Singh @ Cheena by the complainant and other victims in this regard is as follows:

- (i) Parminder Singh son of Mukhtiar Singh- Rs. 1,00,000/-*
- (ii) Hartej Singh son of Harjinder Singh - Rs. 1,40,000/-*
- (iii) Bhupinder Singh son of Baldev Singh - Rs. 1,50,000/-*
- (iv) Pritpal Singh son of Satnam Singh - Rs. 1,20,000/-*
- (v) Gurpreet Singh son of Gurdev Singh - Rs. 1,20,000/-*
- (vi) Nirmal Singh son of Balkar Singh - Rs. 1,10,000/-*
- (vii) Gurdeep Singh @ Gurdev Singh son of Ravel Singh – Rs. 1,00,000/-*
- (viii) Manpreet Singh son of Surjeet Singh - Rs. 1,30,000/-*
- (ix) Surjeet Singh son of Nirmal Singh - Rs. 1,40,000/-*
- (x) Sukhjeet Singh son of Bakhshish Singh- Rs. 1,85,000/-*
- (xi) Rajwinder Kaur daughter of Bakhshish Singh Wife of Charanjit Singh- Rs. 50,000/-*
- (xii) Gurjeet Singh son of Shamsher Singh - Rs. 1,20,000/-*
- (xiii) Gurjeet Singh son of Bakhshish Singh - Rs. 1,85,000/-”*

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

5. The State's counsel opposes bail and refers to the reply.

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

“The Role of the Petitioner

7. That it is submitted that the complainant Parminder Singh and other victims were issued forged/fabricated appointment letters by the petitioner and other documents in the name of Baba Farid University, Faridkot, Punjab in order to assure them of securing the government job at the Guru Nanak Hospital by the petitioner Sajanpreet Kaur. However, on verification, the complainant Parminder Singh and other victims came to know about cheating has been committed by the Petitioner Sajanpreet Kaur with all of them.

B. Evidence against the petitioner

8. That it is pertinent to mention here that during the investigation, the above said appointment letters issued by the petitioner Sajanpreet Kaur to

the complainant and other victims were found to be forged as during investigation the same were got verified from the concerned institution whereby it came to light that no such appointment letters were ever issued.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. Thus, she is not entitled to bail on merits.

8. However, para 8 of the bail petition reads as follows:

“8. That the petitioner is the mother of a 2.5-year-old daughter namely Mehnaaz Kaur who needs constant care and in urgent need of her mother. There is no one else at home to take care of the minor child, and this has placed the family in extreme hardship. The prolonged custody of the petitioner is causing emotional and mental trauma to the minor child. A copy of Birth Certificate and Aadhar Card of Mehnaaz Kaur are annexed as Annexure P-2.”

9. In Veena Yadav v. State of Haryana, CRM-M-30947-2024, decided on 27.09.2024, this Court observed,

[14]. At the age of ten, a child enters early adolescence, a critical phase of cognitive, emotional, and social development. During this formative period, the child's psychological and physical needs change significantly, requiring constant guidance, emotional stability, and nurturing. The role of the mother is particularly pivotal at this juncture, as she provides not only the primary emotional support but also helps shape the child's evolving sense of identity, security, and moral framework. The mother's presence is essential for fostering a stable environment and is critical for navigating the complexities of early adolescence, including emerging independence, social pressures, and the development of self-esteem. Given the sensitive nature of this stage, the absence of a mother's direct involvement could detrimentally affect the child's emotional resilience, adaptation, and overall well-being. Thus, the grounds for granting bail, especially keeping the current ground realities of the region in mind, outweigh the reasons to detain the petitioner, and the Court is exercising its judicial discretion to grant the same.

10. As per paragraph 13 of the bail petition, the petitioner has been in custody since 01.08.2024. As per the custody certificate dated 10.11.2024, the petitioner's total custody in this FIR is three months and seven days. Given the fact of the petitioner being mother of a young daughter, and the pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability of further pre-trial incarceration at this stage.

11. 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.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. 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)	

14. This order is subject to the petitioner's complying with the following terms.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may 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.

25.11.2024
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No.