

CRM-M-35478-2015 (O&M)

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

**CRM-M-35478-2015 (O&M).
Decided on: January 22, 2016.**

Sukhveer Kaur @ Sukhbir Kaur

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Sarbjit Singh, Advocate,
for the petitioner.**

Ms.H.K.Athwal, DAG. Punjab.

Ms.Mansi Bansal, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL).

Petitioner is wife of Satinderpal Singh. She has filed the present petition for pre-arrest bail in a case registered at the instance of Sanjiv Kumar alleging that the petitioner along with her husband and others had duped the complainant of a sum of about Rs.47 lacs by inducing the complainant to deliver gold ornaments with a false promise to pay the amount of consideration. She allegedly connived with her husband Satinderpal Singh who had handed over two cheques for Rs.10 crores and 15 crores besides showing an FDR of HDFC Bank for a sum of Rs.39 crores.

Since the complainant was persuaded to part

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money with a false and fraudulent intention and no money has been paid, the petitioner cannot be granted concession of pre-arrest bail under Section 438 Cr.P.C.

Counsel for the petitioner submits that the allegations are against Satinderpal Singh who has been granted the concession of bail. A strong reliance has been placed on order dated 11.5.2015 passed by the Additional Chief Judicial Magistrate, Amritsar, granting bail to the husband of the petitioner in the exercise of powers under Section 167 (2) Cr.P.C. It has also been submitted that brother of Satinderpal Singh and mother of Satinderpal Singh have also been granted the concession of pre-arrest bail.

I have considered the contentions of the learned counsel for the petitioner.

In view of prima facie connivance of the petitioner with her co-accused, it does not appear to be a case where pre-arrest bail could be granted. The petitioner cannot claim parity with Satinderpal Singh who has been granted bail on the basis of default of prosecution agency in presenting challan within a period of 90 days. The role of the petitioner is also not at par with other accused who have been granted the concession of bail as the petitioner is alleged to be present along with her husband when the amount was received by the petitioner being wife of the main accused. She also cannot seek parity with the case of a lady who happens to be the mother of the main accused.

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No ground is made out for the grant of concession of pre-arrest bail to the petitioner as till date no recovery has been effected.

The petition is dismissed. Interim order, if any, earlier passed is hereby vacated.

Nothing mentioned in this order will prejudice the right of the petitioner to seek concession of regular bail. In case any application for regular bail is filed, it is expected that the same would be decided expeditiously.

January 22, 2016.
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(M.M.S. BEDI)
JUDGE