

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

**Criminal Misc.No.M-1666 of 2018 (O&M)
Date of Decision : 22.03.2018**

Simarpreet Kaur Sidhu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Sherry K.Singla, Advocate
for the petitioner.

Mr. V.G.Jauhar, Senior DAG, Punjab

Mr. A.G.S.Dhillon, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J. (Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.154 dated 08.11.2016, registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Sadar District Patiala.

The petitioner is a lady and she is in custody since 25.10.2017. Her husband is also in jail in the same matter. It has been asserted that the petitioner has a minor child and nobody is there to look after the child.

However, her bail application has been strongly contested by learned State counsel as well as learned counsel for complainant.

Briefly stated, six allegations have been levelled in the FIR against the petitioner as well as her husband. The complainant is none-else but the maternal uncle of the husband of the petitioner. It is a prosecution

case that an amount of Rs.12,00,000/- was advanced to the petitioner through her bank account on 09.04.2014/10.06.2014 but admittedly, the said amount was returned in the bank account of complainant on the same day. Thus this allegation is not sustainable.

Another allegation against the petitioner is that she is a partner of the firm which is being run in the name and style of Amanat Associates. She has 5% share and her husband Randeep Singh Sidhu has 95% share in the said firm. It is the case of the complainant that an amount of Rs.32,00,000/- was advanced to the said firm through cheque and Rs.25,00,000/- was paid in cash. So far as, the fact regarding transferring an amount of Rs.32,00,000/- through bank cheque is concerned, the same is a matter of civil nature. However, there is no evidence if an amount of Rs.25,00,000/- was paid to her in cash. No receipt to this effect has been produced. Further, it is alleged that on 07.11.2014, Rs.5,00,000/- was paid to her husband Randeep Singh Sidhu; in the month of January, 2015, Rs.25,00,000/- was paid in cash to him and in the month of March, 2015, Rs.87,00,000/- was paid to him but there is no evidence at all to establish these amounts. Otherwise also, those are given to her husband. There are other allegations with regard to advancement of money but no material produced at this stage to substantiate this fact. However, it is alleged that the petitioner and her husband procured a fake and fabricated allotment letter on behalf of Executive Officer of the Improvement Trust, Patiala (Annexure P-2).

Learned State counsel has conceded that there is no evidence if said allotment letter was ever prepared/fabricated or delivered by the petitioner.

Surprisingly, the income tax returns of complainant Harpreet Singh Ghuman has been placed on record which shows that his annual income was Rs.4,00,000/- in the assessment year of 2014-15 and it was Rs.5,22,500/- in the assessment year 2015-16. It is a debatable issue in what manner he had advanced the huge amount as alleged.

The petitioner is in custody since 25.10.2017. Nothing is to be recovered from her.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Simarpreet Kaur is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Patiala, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the trial court.

22.03.2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No