

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44232-2018 (O&M)

Date of Decision:-22.1.2019

Sarabjeet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K. Arun Singh, Advocate for
Mr. Ajay Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.97 dated 31.8.2018 registered at Police Station Julkan, District Patiala under Sections 420, 406 and 120-B of Indian Penal Code, 1860.

The FIR was registered at the instance of Gursewak Singh, wherein he alleged that he had been defrauded to the tune of ₹12 lacs by Gobind Singh @ Bobby, Sarbjit Kaur @ Seema, Gurpreet Singh, Sukha, Sukha's wife and Sona Devi. The complainant has alleged that he had paid an amount of ₹12 lacs by depositing the same into the bank account of Gobind Singh for sending his wife to Australia and although he had shown 'VISA' to his wife through 'Whats app' but upon inquiry it transpired that the said ticket and 'VISA' was fake and fabricated. It is alleged that when Gobind Singh had come over to get the amount transferred from

complainant, he was accompanied by his wife Seema (alias Sarbjit Kaur) and his mother-in-law Sona Devi. It is further alleged that when the complainant alongwith other members of his family had visited the house of Gobind Singh, then his wife did not talk to him properly and informed that Gobind Singh was away to Delhi.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case simply on account of the fact that she is wife of the main accused Gobind Singh @ Bobby so as to pressurize him to return the amount allegedly handed over by the complainant to Gobind Singh @ Bobby.

Opposing the petition, the learned State counsel has submitted that since during investigation it had surfaced that Gobind Singh @ Bobby had transferred an amount of ₹4.5 lacs in the bank account of the petitioner on 18.4.2018 and another amount of ₹2 lacs on 20.4.2018, therefore, the complicity of the petitioner is evident and no case for grant of bail is made out. It has, however, been informed that the petitioner has since joined investigation.

Having considered rival submissions addressed before this Court and upon finding that infact it is in the bank account of Gobind Singh that the amount had been transferred by the complainant and it is against Gobind Singh that the entire allegations have been levelled, the mere fact that some amount had been transferred by Gobind Singh in the bank account of his wife may not be sufficient to inculpate the petitioner.

Having regard to the aforesaid facts and circumstances and the fact that the petitioner has already joined investigation, in my opinion, it is a

fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 6.10.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This present petition stands accepted accordingly.

22.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No