

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

**CRM-M-62005-2018
Date of decision:14.01.2019**

Kamaljit Kaur

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Deepak Nayar, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.18 dated 26.11.2018 under Sections 406 & 420 of Indian Penal Code, 1860, Police Station Aur, District SBS Nagar.
2. The FIR was lodged at the instance of Harjinder Singh wherein it has been alleged that when he was present at the shop of his friend then one customer namely Kamaljeet Singh had come at the shop along with his son Navi and had represented that he is a travel agent and that he along with his son send persons abroad. The complainant discussed the matter about going abroad upon which they represented that going to Australia is lucrative. The complainant informed the accused that he

along with his friend Paramjit Singh are interested in going abroad, upon which the accused demanded an amount of ₹18 lakhs. It is alleged that 3 days thereafter the complainant as well as Paramjit Singh paid an amount of ₹ 2 lakhs each to the aforesaid agents at the shop of complainant's friend. Subsequently upon a demand made by the accused, the complainant and his friend paid another amount of ₹4 lakhs each when the accused called them at Sahil Dabha where he was present along with his wife. It is alleged that Kamaljeet Singh accused, his wife and his son usually called their clients regarding exchange of money or regarding taking of documents. It is further case of the complainant that another ₹1.65 lakhs was also received from them. It is further submitted that despite aforesaid amount being taken, the complainant and his friend had not been sent abroad.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case merely on account of the fact that that she was earlier married to Kamaljeet Singh. Learned counsel has submitted that marriage of petitioner already stands dissolved through a '*Panchayati*' divorce and that the '*Sarpanch*' had also made a statement to the effect that the petitioner is residing separately from her husband Kamaljeet Singh along with 3 children of the petitioner.
4. Learned State counsel while opposing the petition has submitted that the aforesaid contentions regarding the petitioner having been divorced cannot be accepted since a "*Panchayati*" divorce has no sanctity in eyes of law. It has further been submitted that in any case even in the

passport, her husband's name is recorded as Kamaljeet Singh which clearly indicates her marital status to be "married".

5. Having considered rival contentions addressed before this Court and bearing in mind that even as per the FIR, it is the husband of the petitioner who had held out representation to the complainant that he would be sent abroad, in my opinion, it is fit case for grant of anticipatory bail to the petitioner more particularly in view of the fact that she is a lady. The petition as such, is accepted. In the event of arrest of the petitioner, she shall be released on bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. The petition is accepted in the above mentioned terms.
7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

14.01.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**