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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.785 of 2020
Date of Decision: 06.03.2020

MANPREET KAUR

......Petitioner

Vs
STATE OF PUNJAB

.....Respondent

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. J.S. Ghumman, D.A.G., Punjab.

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RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.43 dated 23.04.2019, registered under Sections 420, 467, 468, 471, 34 IPC at Police Station Dayalpura District Bathinda.

Allegations are that the petitioner along with her husband has fraudulently swallowed the amount of the complainant under the pretext of sending son of the complainant abroad. The deal was finalized by husband of the petitioner for Rs.40 lakhs. An amount of Rs.10 lakhs was given to petitioner at Mohali and at her instance passport was prepared in September 2017. Petitioner along with her husband visited the house of the complainant and received an amount of Rs.5 lakhs. Thereafter an amount of Rs.1,22,000/- was also received by husband of the petitioner at Patiala. On 17.10.2017, the complainants were asked to arrange an amount of Rs.15 lakhs. On 24.10.2017, husband of the petitioner along with the petitioner came to the house of the complainant where an amount of Rs.15,40,000/- was given to them. The complainant was again asked that Visa of Gurpinder Singh has been cancelled and he would be sent to another country. An amount of Rs.3 lakhs was again taken by the accused in March 2018. Lakhwinder Singh also gave an amount of Rs.10 lakhs to the husband of the petitioner to send his wife and son to Malaysia on 11.05.2018. By availing the services of husband of the petitioner, they returned from Malaysia on 16.05.2018. An amount of Rs.60,000/- was also deposited in the account of E-Travel Scorpion Agency for sending them, but husband of the petitioner avoided that situation. A sum of Rs.2,14,800/- came to be deposited in the joint account of the petitioner and her husband.

Learned counsel for the petitioner submitted that only the aforesaid amount was deposited in the joint account and the said account was never operated by the petitioner. Her husband had operated the aforesaid amount, who is still at large. Though a recital in the order in the order dated 06.11.2019 passed by the Addl. Sessions Judge shows that husband of the petitioner was arrested from Singapore.

The police investigation does not show that the petitioner has operated joint account. Merely having a joint account in itself is no complicity unless and until the same is operated in the context of deposit of Rs.2,14,800/- and withdrawal thereof subsequently or earlier to that. The alleged cash received by the petitioner without any receipt remains debatable as to the complicity of the petitioner in this entire scenario.

Learned State counsel on instructions from ASI Jasbir Singh submitted that no such material has come on record to establish the factum of arrest of husband of the petitioner so far.

Learned State counsel further submitted that challan has been presented and charges have been framed. Out of 16 witnesses, none has been examined so far. The offence is triable by the Magistrate. The trial of the case may take some time in its culmination.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 01.10.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 06, 2020 **(RAJ MOHAN SINGH)**
Atik **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No