207 IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-33759-2020(O&M)

Date of decision: 29.10.2020

Surinder Kaur ....**Petitioner**

Versus

State of Punjab

......**Respondent**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vivek K Thakur, Advocate for the petitioner

Mr. Luvinder Sofat, AAG, Punjab

<u>ANIL KSHETARPAL, J. (ORAL)</u>

On 21.10.2020, the following order was passed by this Court:-

> "The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 103 dated 24.06.2020, registered under Section 379 & 420 IPC at Police Station Navi Baradari, Jalandhar.
>
> The case of the prosecution has been noticed by the learned Additional Sessions Judge, Jalandhar in para 3 of its order dated 09.07.2020, which is extracted as under:
>
> "*The allegation against the accused/applicant is that FIR was registered on the complaint of complainant Amit Dev, who stated that accused/applicant Surinder Kaur in connivance with Paramjit, by misleading him (complainant) got effected a deal for purchasing a shop in Adampur by showing a photocopy of sale deed of said shop for sale consideration of ₹90,00,000/- (Rupees ninety lakhs) and executed a power of attorney in the name of wife of complainant, namely Rakhi. On the basis of said power of attorney complainant paid a sum of ₹ 20,50,000/- (Rupees twenty lakhs fifty thousand) by availing a gold loan from Mannapuram and by paying some amount from himself. He also handed over a cheque of ₹20,00,000/-. However, accused Surinder Kaur asked him that the cheque be not given to her because on seeing the amount in her*

account, her sons used to grab the amount and she demanded amount of ₹20,00,000/- in cash. She further told that on receiving the said cash, she will return the cheque. Complainant Amit Dev gave her the sum of ₹20,00,000/-, but she did not return the said cheque. Due to that complainant Amit Dev got stopped the payment of said cheque. On that Surinder Kaur preferred a case with regard to the said cheque. Thereafter accused Surinder Kaur put pressure upon the complainant for paying more money. On that, complainant paid her a sum of ₹ 10,00,000/- (rupees ten lakhs) through his brother-in-law (jija) and ₹30,00,000/- (rupees thirty lakhs) by lending his house. In this respect, the complainant paid a total sum of ₹60,50,000/- (Rupees sixty lakhs fifty thousand) to accused Surinder Kaur. Accused/applicant Surinder Kaur gave a cheque of Union Bank of India, Nakodar Branch to Amit Dev in his house by appending her signatures in his presence and told him that in case she would fail to got register the sale deed, then the complainant would withdraw his amount by presenting the said cheque. Accused/applicant Surinder Kaur got cancelled the said power of attorney. On that complainant visited the said bank and inquired about the said cheque and came to know that the said cheque was belong to Mohinder Singh son of Bir Singh, resident of village Baghela, Tehsil Nakodar, District, which was lost in Jalandhar in the year 2010. Mohinder Singh also got recorded his statement and verified the said fact and a copy of application moved by Mohinder Singh was provided to investigating agency by the bank authorities. Surinder Kaur in connivance with Paramjit Singh by stealing the lost cheque book and by appending her signatures on the cheque of some other person and by handing over the said cheuqe of 60,00,000/- to Amit Dev committed the forgery. Due to that accused/applicant Surinder Kaur committed the offence punishable under Section 379, 420, 465, 467, 468, 471, 120-B IPC".

Learned counsel for the petitioner contends that the report from the Forensic Science Laboratory has been received with an opinion that the petitioner did not sign the alleged cheque. He further submits that the petitioner has been falsely implicated in the present case.

Notice of motion.

On the request of the Court, Mr. Bhupender Beniwal,

> Assistant Advocate General, Punjab accepts notice on behalf of the respondent and prays for time to seek instructions.
>
> Keeping in view the aforesaid facts, it is considered appropriate that let the petitioner join investigation.
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> In the event of arrest of the petitioner, he shall be released on interim pre-arrest bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.
>
> List on 29.10.2020."

Learned State counsel, on instructions from ASI Balwinder Singh, has submitted that the petitioner has joined investigation, cooperated and is not required for further custodial interrogation.

In view of the above, order dated 21.10.2020, is hereby made absolute.

The petition stands allowed.

29.10.2020 **(ANIL KSHETARPAL)**
rekha **JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No