

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

CRM-M-34618-2020 (O&M)

Date of decision: 05.11.2020

Gurmail Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. A.S. Baweja, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 07 dated 19.08.2020 registered under Sections 406, 384, 420 and 120-B IPC at Police Station NRI Moga.

As per the allegations, the complainant paid a sum of Rs.35 lakh to the petitioner and her two daughters, namely, Sukhdeep Kaur and Rajwinder Kaur, but they refused to repay the same.

Learned counsel for the petitioner states that the complainant is a relative of the petitioner from the side of her paternal grand-father. The aforesaid amount was a friendly loan, which has been given a shape of criminal proceedings.

He further states that the complainant, who is a Canadian citizen, gave the said amount to the petitioner and her daughters, who had never

promised to repay the same on any specific date or time. Rather, the complainant offered the same to the petitioner on the pretext that he had taken a loan from her deceased-husband while going abroad. The petitioner has been in custody since 26.09.2020. The daughters of the petitioner are on interim bail.

At this stage, Mr. S.S. Brar, Advocate, appears and files power of attorney on behalf of the complainant through email, the same is taken on record.

Learned State counsel assisted by the learned counsel for the complainant submits that a huge amount was taken away by the petitioner and her daughters on the pretext of marriage, but has failed to show any document that there was any promise to return the same on a specific date or time, rather it has been disputed by the learned counsel for the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.09.2020. The trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

05.11.2020

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No