

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

(1) CRM-M-3341-2021 (O&M)

Sukhdev Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

(2) CRM-M-3720-2021 (O&M)

Rajwant Kaur

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 29.07.2021

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Karanjit Singh, Advocate for the petitioners
in CRM-M-3341-2021.

Mr. Veneet Sharma, Advocate for the petitioner
in CRM-M-3720-2021.

Mr. J.S. Ghuman, DAG, Punjab.

Mr. Vivek Salathia, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

By this order, the aforementioned petitions are decided being
arising out of the same FIR. Petitioners Sukhdev Singh, Surjjit Kaur and
Harpreet Singh have filed petition No.CRM-M-3341-2021 under Section

438 Cr.P.C., for grant of anticipatory bail, whereas, petitioner Rajwant Kaur has approached this Court by way of filing petition CRM-M-3720-2021 seeking regular bail, all of them being accused in FIR No.37 dated 17.04.2018, for offences under Sections 420, 465, 467, 478, 471, 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered with Police Station Kathunangal, Amritsar.

Briefly stated facts of the case as per prosecution story are that, criminal machinery in this case was set into motion by complainant Harpal Singh, who in the statement made to the police stated that Bhupinder Singh and his wife Rajwant Kaur had given him allurement of ensuring migration of his nephew Shamsheer Singh to Dubai on payment of Rs.1 lakh; he accordingly fell in their trap and paid that amount to them on 23.01.2017 by transferring an amount of Rs.1 lakh from his bank account with Punjab Gramin Bank to the bank account of the accused, however, the accused neither ensured migration of Shamsheer Singh to Dubai nor returned the money; formal FIR in the matter was recorded; the investigation in the case started; during the investigation of the FIR, Mrs. Savinder Kaur, mother in-law of accused Bhupinder Singh and mother of accused Rajwant Kaur submitted an application to the police that the amount deposited by complainant Harpal Singh in bank account of her son in-law Bhupinder Singh was in fact part payment of amount of Rs.2 lacs borrowed by Harpal Singh from her; the matter was enquired into and the pronote vide which the amount of Rs.2 lacs was stated to have been advanced to Harpal Singh by Savinder Kaur was taken into possession; it was sent to Forensic Science Laboratory, Punjab; as per

report received, the signatures of Harpal Singh on the pronote were found to be forged, therefore, offences under Sections 465, 467, 468 and 471 IPC were ordered to be added; petitioner Rajwant Kaur was arrested in this case on 12.12.2020.

Petitioner/accused Rajwant Kaur had filed an application for grant of regular bail before the Court of Sessions at Amritsar. Her such application, which was assigned to Addl. Sessions Judge, Amritsar was dismissed, vide order dated 05.01.2021. As such, she has knocked at the door of this Court, craving for grant of similar relief. As far as the other accused, namely, Sukhdev Singh, Surjjit Kaur and Hapreet Singh they had applied for grant of pre-arrest bail before the Court of Sessions at Amritsar but were unsuccessful. As such, they have come to this Court praying for grant of similar relief.

I have heard learned counsel for the parties besides going through the record.

It may be mentioned here that the parties have compromised the matter, in terms of which, a sum of Rs.1 lakh in the form of demand draft has been paid by the accused to the complainant. This fact is admitted by Mr. Vivek Salathia, Advocate for the complainant. Petitioners Sukhdev Singh, Surjjit Kaur and Hapreet Singh have since joined the investigation.

Ld. State counsel, on instructions has stated that since the matter has been compromised between the parties, no recovery is to be effected from petitioners, namely, Sukhdev Singh, Surjjit Kaur and Hapreet Singh, as such, their custodial interrogation is not required.

Learned counsel appearing for the complainant states that on account of compromise between the parties, he does not oppose both the petitions.

Under the circumstances, I find that guilt of the accused shall be determined during the trial, the conclusion of which is likely to take some time. Petitioner Rajwant Kaur is a married woman, aged about 41 years, having a family and the parties are closely related to each other. I find that petition for regular bail filed by petitioner Rajwant Kaur deserves to be accepted. The same is allowed. She is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Amritsar, subject to the following conditions:-

1. that she shall appear in the Court on each and every date of hearing;
2. that she shall not give any threat or intimidation to the prosecution witnesses;
3. that she shall not indulge in any criminal activity;
4. that she shall not leave India without prior permission of the Court and shall surrender her passport, if she has got one, otherwise to furnish affidavit in that regard;

As regards the petition for pre-arrest bail filed by Sukhdev Singh and others, in view of the settlement arrived at between the parties and the statement made by learned State counsel to the effect that custodial interrogation of the petitioners is not required, the said petition also calls for acceptance. The same is accordingly allowed. The interim

bail granted to petitioners Sukhdev Singh, Surjjit Kaur and Hapreet Singh, vide order dated 05.02.2021 in CRM-M-3341-2021, is made absolute, subject to the following conditions:-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
3. that they shall not leave India without prior permission of the Court.
4. that they shall surrender their passports before the Investigating Officer and if they are not having passport, then, shall file the affidavits in that regard.

In case, the petitioners violate any terms & conditions, on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

29.07.2021

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(H.S. MADAAN)
JUDGE

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