

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

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CRM-M-28300-2021 (O&M)
Date of Decision: 04.10.2021

Gursharan Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Harwinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.6 dated 19.05.2021 at Police Station NRI, Moga, under Sections 420/120-B IPC.
2. The FIR was lodged at the instance of Karanpreet Singh, wherein it is alleged that he had been cheated by his wife Harmanpreet Kaur and her mother Gursharan Kaur (petitioner) and her father Amarjit Singh of an amount of Rs.30 Lakh on the pretext of taking him to Canada by solemnizing marriage with Harmanpreet Kaur. It is the case of the complainant that at the time of marriage it had been agreed that the complainant would bear all the expenses to be incurred on the education of Harmanpreet Kaur, who had secured 6 Bands in IELTS. Accordingly, the marriage was solemnized on 20.09.2018 at Maharaja

- Palace, Phagwara. Thereafter, Harmanpreet Kaur went to Canada on 25.03.2019 on student visa. As per the complainant, the entire expenditure regarding travel, stay and study in Canada was borne by the complainant. It is alleged that subsequently Harmanpreet Kaur's, father did not make any effort for taking the complainant to Canada and in fact did not even call him. It is, thus, alleged that the complainant had been cheated by Harmanpreet Kaur and her parents, namely, Gursharan Kaur (mother) and Amarjit Singh (father), who had also usurped all the jewelery given at the time of marriage.
3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that the present case at best is a case of some kind of matrimonial discord between the husband and wife and she has been falsely implicated in the instant case simply to pressurize her daughter. Learned counsel further submits that there was no such understanding between the complainant and Harmanpreet Kaur regarding expenditure on education of petitioner's daughter or any commitment regarding taking the complainant to Canada. It has further been submitted that, in any case, Harmanpreet Kaur had actually made an effort for taking the complainant abroad, but on account of the fact that she herself did not have PR and was just a student, the complainant could not be taken abroad.
4. Opposing the petition, learned State counsel has submitted that in the instant case the complainant's father-in-law had already expired and that the facts clearly show that the petitioner along with her daughter had cheated the complainant of a huge amount and taking advantage of his simplicity had made him incur an expenditure of about Rs.30 Lakh for her study abroad, but later did not do the needful for taking

him abroad as well, as had been agreed. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 months and that she is not involved in any other case and that challan stands presented.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and while bearing in mind the fact that the petitioner is a lady aged about 43 years, who has already been behind bars for the last about 4 months and challan already stands present, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.10.2021

VY

(GURVINDER SINGH GILL)**JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**