

In virtual Court

CRM-M-31921-2021

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

**CRM-M-31921-2021 (O&M)
Date of decision: 19.08.2021**

Pinderjit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Joginder Pal Devgan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mrs. G.K. Mann, Sr. Advocate with
Mr. Sunil Kumar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR
No.0080 dated 13.08.2019 under Sections 420, 465, 466, 467, 468, 471, 120-B
IPC, registered at Police Station Ramdas, District Amritsar Rural.

Learned counsel for the petitioner submits that as per allegations in
the FIR, which was got registered by Varinderjit Kaur, on 26.10.2018, she
entered into an agreement to sell for purchase of 60 kanals of land, with co-

accused Piar Kaur. Later on, she came to know that a fraud is played upon her by Piar Kaur, as she was not owner of the land and the same was under the ownership of Forest Department, Punjab. It is further stated in the FIR that Piar Kaur had purchased this land from one Gurcharan Kaur and Gurcharan Kaur had purchased the land from co-accused Jasbir Singh and others for sale consideration of Rs.1.50 lacs on 23.12.2009.

Learned counsel for the petitioner further submits that petitioner Pinderjit Kaur was initially not nominated in the FIR and there is no specific allegation against her, however, after a gap of about two years, vide GD No.25 dated 16.06.2021, which was recorded on the basis of disclosure statement of co-accused Harjit Singh, who is brother of the petitioner, she has been implicated in the present FIR. It is also submitted that in fact, Harjit Singh had filed a complaint against husband of complainant namely Baldev Kumar @ Baldev Singh that he had procured a govt. job as Senior Lab Attendant by misrepresenting the facts and his date of birth and in this regard, Harjit Singh had even filed CRM-M-9840-2021, which was disposed of by this Court vide order dated 02.03.2021, by issuing a direction to the Director General of Police, Punjab to decide the representation dated 01.01.2021. In compliance thereof, some adverse report had been submitted and FIR No.83 dated 21.06.2021 was registered under Section 420 IPC at Police Station Ramdas, District Amritsar Rural against Baldev Kumar @ Baldev Singh, husband of complainant Varinderjit Kaur.

Learned counsel for the petitioner has next submitted that as a counter-blast to the said action, by registering GD No.25 dated 16.06.2021, the

petitioner is nominated in this case. It is also submitted that some co-accused of the petitioner have already been released either on anticipatory bail or on regular bail vide order dated 26.09.2019 passed in CRM-M-40284-2019, order dated 04.10.2019 passed in CRM-M-39087-2019 and CRM-M-42589-2019, order dated 05.12.2019 passed in CRM-M-50767-2019, order dated 13.12.2019 passed in CRM-M-46911-2019 and CRM-M-47729-2019 and the order dated 05.03.2020 passed in CRM-M-54416-2019. It is further submitted that the petitioner is a lady and was never given a notice under Section 41-A IPC before nominating her as an accused, as the investigation was pending.

In reply, learned State counsel has submitted that allegations against the petitioner are that as per disclosure statement of her brother Harjit Singh, when the complainant went to pay the amount of Rs.5.00 lacs as earnest money, the amount was counted by Harjit Singh and his sister-petitioner.

Learned senior counsel for the complainant has submitted that on the face of it, the petitioner along with her brother have cheated the complainant side by receiving huge amount of Rs.18.25 lacs as earnest money on account of sale of the land, which was, in fact, not owned by the seller.

After hearing learned counsel for the parties and considering the fact that some co-accused of the petitioner have already been released on anticipatory bail, including Harjit Singh, on whose disclosure statement, the petitioner was nominated as an accused in the present FIR and also in view of the fact that the petitioner is a lady and there are no direct allegations against her in the FIR, this petition is allowed and the petitioner is granted anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

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It will be open for the prosecution to apply for cancellation of bail,
in case the petitioner is found misusing the concession of bail, in any manner.

19.08.2021

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No