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CRM-M-29464-2020 (O&M) &
CRM-M-31461-2020 (O&M)

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-29464-2020 (O&M)
Simarjit Kaur ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-31461-2020 (O&M)
Harpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision: 17.02.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuldeep V. Singh, Advocate for the petitioner(s).

Mr. Amit Mehta, Sr. DAG, Punjab,
assisted by ASI Rajpal Singh.

Mr. B.S. Jatana, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petition filed on behalf of petitioners Simarjit Kaur and Harpreet Singh seeking grant of anticiaptory bail in respect of a case registered vide FIR No.152 dated 25.8.2020 at Police

Station City-2, Mansa, Punjab under Sections 420 and 120-B of Indian Penal Code.

2. The FIR in the instant case was lodged at the instance of Harpal Singh, wherein it is alleged that he became acquainted with Naudha Singh, brother-in-law of petitioner Simarjit Kaur and started visiting his house, during the course of which he became acquainted with his sons Jashandeep Singh and Harpreet. The said persons used to borrow money from the complainant for their domestic requirement but used to return the same and on account of which the complainant started trusting them. When Jashandeep Singh wanted to go to England so as to join his wife and had been visiting several travel agents, the complainant used to accompany him. Since the agents suggested that Jashandeep Singh should show some hefty bank balance, the complainant upon request of accused started paying money to them. While most of amount was given in cash, some amount was also credited through RTGS. It is alleged that an amount of approximately ₹21.30 lakhs had been given to the accused upto 19.3.2020. It is specifically alleged that an amount of ₹4.50 lakhs was credited in the bank account of Jashandeep Singh on 24.2.2020 through RTGS. Since the accused expressed their inability to repay the borrowed amount, petitioner Simarjit Kaur executed an agreement dated 19.3.2020 with the complainant so as to sell her house measuring 12 Marlas out of the total 17 Kanals and 17 Marlas of land situated in Mansa in lieu of the amount already taken by the accused. However, subsequently Simarjit Kaur got the agreement cancelled and the complainant came to know that Simarjit Kaur had infact already sold the house in question to one Manjit Kaur in the year 2014 vide sale deed dated 11.9.2014. The complainant

alleged that although subsequently a cheque was given to him by the accused but the same upon its presentation in the bank was dishonoured.

3. Learned counsel for the petitioners has submitted that a false FIR has been lodged against the petitioners so as to extract money from them and infact the agreement in question had been cancelled on the very day of its execution as certain terms were not found to be suitable to the petitioner. Learned counsel for the petitioners has further submitted that the very fact that the original agreement is with the petitioner would show that the same had been cancelled immediately upon its execution.
4. On the other hand, learned State counsel assisted by learned counsel for the complainant has submitted that it is a case where a part of payment had been made to the accused by way of RTGS, which the accused cannot deny and cannot even possibly explain. It has further been submitted that the petitioner cannot even explain the dishonouring of the cheque, which had been issued by her. It has further been submitted that the petitioner Simarjit Kaur is a seasoned criminal having been involved in several cases of fraud, which she had later on compromised. The learned counsel, in this regard, has drawn the attention of this Court to the six instances mentioned in para No.6 of the impugned judgment and which are also find mentioned in para No.5 of the instant petitions.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the allegations as levelled in the FIR cannot be said to be false at this stage especially when a part of the payments has been made through RTGS and that the allegations have been found to be prima

facie substantiated during inquiry by police and while also noticing that the petitioners have earlier been involved in several other cases, this Court does not find any special case for grant of anticipatory bail to the petitioners. Both the petitions are sans merit and are hereby dismissed.

17.02.2021

pankaj/Vimal

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No