

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

202

CRM-M-34948 of 2021
Date of decision : 02.11.2021

Harpreet Kaur

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present : Mr.D.S.Gandhi, Advocate
for the petitioner.
Mr. Rana Harjasdeep Singh, DAG, Punjab

Amol Rattan Singh, J.

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail', under the provisions of Section 438 of the Cr.P.C., upon FIR No.99, dated 06.07.2018, having been registered at Police Station Division-E, Amritsar, alleging therein the commission of offences punishable under Sections 420, 467, 468, 471 and 120-B of the IPC.

On 26.8.2021, the following order had been passed by this Court:-

“Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.99, dated 06.07.2018, having been registered at Police Station Division-E, Amritsar, alleging therein the commission of offences punishable under Sections 420, 467, 468, 471 and 120-B of the IPC.

Learned counsel for the petitioner submits that, firstly, the property in question stands in the name of her husband and further, as regards the loan taken from the Punjab & Sind Bank in the year 2014, that was duly returned after which another loan was taken against the same property from the same bank in the year 2016.

He submits that as regards the investigation to the effect that an agreement of sale was also entered into by the petitioner and her husband with one Palwinder Singh, Palwinder Singh is not aggrieved in any manner of any fraud committed upon him and in fact had not approached the police.

Last, he submits that the petitioner herself never submitted any second PAN card which is an allegation against her husband and consequently she deserves to be admitted to pre-arrest bail.

Though of course, upon query, learned counsel does not deny that without the loan taken from the LIC having been returned, the property in question was mortgaged for a second time to obtain a loan from the Punjab & Sind Bank, however since, prima facie at least, possibly the prime accused is the husband of the petitioner, without making any comment whatsoever on the merits of the case, notice of motion is issued.

Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepts notice at the asking of the court.

A gazetted officer is directed to file a reply to the petition before the next date of hearing.

In the meanwhile, the petitioner is directed to join investigation within one week and upon her so joining, in case she is sought to be arrested, she shall be released on interim bail, upon her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

She shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, she would appear before the learned Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join her in investigation.

It is made clear that this is obviously only an interim order operating and whether or not the interim bail granted should continue, would be considered further upon a reply

being filed by the respondent State. Adjourned to 11.10.2021.”

Thereafter, a reply has been filed on behalf of the respondent-State dated 08.10.2021 in which it is stated, amongst other things, as follows:-

“C. At the time of availing loan from Punjab and Sind Bank, a fake scanned copy of the sale deed of the same house was prepared/forged and it was mortgaged with the bank. Whereas, the original sale deed of the above house is still mortgaged with the LIC Housing Finance Limited.

D. The new PAN card No.EBNPS7379A of Dilbagh Singh was used and form 60 was annexed with the Loan Application showing the petitioner a house maker. However, the Income Tax Returns of Dilbagh Singh and present petitioner Harpreet Kaur were also enclosed with the loan documents, wherein new PAN Card No.EBNPS7379A of Dilbagh Singh and new PAN Card No.DLKPK7758B of the present Petitioner Harpreet Kaur were mentioned.

E. The CIBIL status of the present Petitioner Harpreet Kaur and her husband Dilbagh Singh was checked on the basis of their new PAN Card numbers EBNPS7379A and DLKPK7758B, which did not shows pendency of previous loan availed from LIC Housing Corporation Limited.”

In view of the above, though counsel for the petitioner obviously vehemently opposes the same on the ground that he had disclosed all the above facts to this Court on the date that notice of motion was issued, however, this Court already having made it clear that whether the interim order should be continued or not would be seen upon a reply being filed, I do not find this to be a case where the petitioner should be granted the concession of anticipatory bail under the provisions of Section 438 Cr.P.C any further.

Consequently, this petition is dismissed with the interim order

dated 26.08.2021, vacated.

Obviously, all observations made in this order or in the previous orders passed, are only in the context of this petition seeking the concession of pre-arrest bail, and if the petitioner is arrested and files an application seeking grant of bail under the provisions of Section 439 Cr.P.C. that application/petition would be considered wholly on its own merits.

02.11.2021
sd

(AMOL RATTAN SINGH)
JUDGE

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