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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-41210-2021 in/and
CRM-M-40566-2021 (O&M)
Date of Decision: 06.12.2021

Gurdeep Kaur

..Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sukhjit Singh, Advocate for applicant-petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Ms. Arshdeep Kaur, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

CRM-41210-2021

The instant application is for pre-poning the date of hearing of
the main petition to an early date.

Notice in the application.

At this stage, Mr. Ramdeep Partap Singh, DAG, Punjab,
accepts notice on behalf of the respondent-State and does not oppose the
prayer.

Application is allowed and the date of hearing is pre-poned to
today.

CRM-39097-2021

Application is allowed, subject to all just exceptions. Annexure
P-5 is taken on record.

CRM-M-40566-2021

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.141 dated 11.9.2018, under Sections 406 and 420 IPC, Police Station Fatehgarh Sahib, District Fatehgarh Sahib. The petitioner is in custody since her arrest on 26.08.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Fatehgarh Sahib, in order dated 20.9.2021, are as under:-

“.... that instant FIR was registered on the application of one Gurpreet Singh that he is agriculturist and he was having good relations with accused persons. It is further mentioned in the application that in the month of January 2018, accused Gurdeep Singh called complainant Gurpreet Singh that post of drivers are advertised in the Hon'ble High Court and if complainant wants to get his son recruited, then Gurdeep Singh can help him. Thereafter, Gurdeep Singh and his father Parminder Singh, accused, called complainant at Fatehgarh Sahib and then Gurdeep Singh disclosed him that he is working as driver in the Hon'ble High Court with Hon'ble Justice Harinder Singh Sidhu and he can get job done for the son of complainant for Rs.4,50,000/-. They assured the complainant that if job is not done, then they will return the amount. The talk took place in the presence of one Sarabjit Singh. Gurdeep Singh and Parminder Singh then demanded educational certificates, 2 passport size photographs of sons of complainant, which was handed over to them and at that time complainant gave Rs.75,000/- to them on 09.01.2018.

It is further mentioned in the application that in the month of February first week, accused Parminder Singh also demanded remaining amount in the name of Judge and thereafter, complainant gave Rs.50,000/- to them through accused Kulvir Kaur, daughter-in-law of Parminder Singh. Thereafter, complainant also gave one cheque of Rs.1,50,000/- to Gurdeep Singh and then also gave another cheque of Rs.1,50,000/- to them and thus, accused persons took Rs.4,25,000/- in total from complainant, but thereafter accused did not fulfill their promise and they kept putting off the matter. Then complainant alongwith Sarabjit Singh approached accused persons, who gave cheque of Rs.3 lacs, but it was dishonoured and complainant came to know that accused persons have already cheated many persons by using such pretexts and FIRs are pending against them.”

Learned counsel contends that the allegations in the FIR are

the petitioner has been falsely implicated in this case. He further submits that the inducement, if any, was given by the above named two persons and the petitioner is not connected with the alleged crime. According to him, the co-accused of the petitioner, namely, Kulvir Kaur wife of accused Gurdeep Singh, has already been released on regular bail vide order dated 28.10.2021 (Annexure A-1) and as the investigation of the case is complete, the petitioner also deserves the similar concession.

On the other hand, learned State counsel assisted by ASI Rajinder Singh has opposed the prayer on the ground that the present petitioner impersonated herself as Kulvir Kaur along with Gurdeep Singh as his wife, however, he does not dispute the fact that the co-accused of the petitioner has been released on regular bail by this Court. He has produced the custody certificate dated 18.11.2021 filed by way of affidavit of Chanchal Kumari, Deputy Superintendent Administration, Women Jail, Ludhiana, which indicates that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that challan stands filed on 23.09.2021, but the charges are yet to be framed, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner has been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after her arrest on 26.08.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty
Magistrate, concerned.

The petition is allowed.

06.12.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No