

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43843-2021

DATE OF DECISION: OCTOBER 28, 2021

KULVIR KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. M.S. BHATTI, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

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 Section 406, 420 IPC, Police Station Fatehgarh Sahib, District Fatehgarh Sahib. The petitioner is in custody since her arrest on 31.7.2021.

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

“I have considered the rival submissions and after going through the record, it has transpired 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 Balwinder Kumar, Additional Sessions Judge, Fatehgarh Sahib. UID#PB0160 3 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.

After receiving this application, police machinery swung into action and instant FIR was registered under Sections 406/420 IPC against accused.”

Learned counsel for the petitioner has submitted that as per prosecution, the accused persons had taken ₹4,25,000/- from the complainant

on the pretext of providing a job for his son. According to him, the petitioner has been falsely implicated being wife of accused Gurdeep Singh, because as per prosecution, another co-accused, namely, Gurdeep Kaur,, impersonated as Kulvir Kaur, therefore, the involvement of the petitioner in the alleged crime would be seriously debatable. It is pointed out that the investigation of the case is complete as the final report has been filed, therefore, he prays for regular bail.

Learned State counsel assisted by ASI Rajinder Singh does not dispute this fact that after completion of investigation, the final report was filed on 22.9.2021. It is also not disputed by him that as per prosecution, Gurdeep Kaur, co-accused of the petitioner impersonated as Kulvir Kaur alongwith Gurdeep Singh as his wife.

Considering the above background, the custody of the petitioner and the fact that final report stands filed, this Court is of the opinion that 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 31.7.2021, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

October 28, 2021

Gulati

Whether Reportable

: Yes/No

Whether Speaking/Reasoned

: Yes/No

(MANOJ BAJAJ)
JUDGE