

232

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

**CRM-M No.40806 of 2020 (O&M)
Date of Decision: 13.01.2021**

SALINDER KAUR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.S. Manaise, Advocate and
Mr. Hoshier Singh Jaswal, Advocate
for the petitioner.

Mr. Sarabjit Singh, Asstt. A.G., Punjab.

Mr. Naveen Bawa, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.106 dated 11.11.2020, registered under Sections 420/467/468/471/120-B IPC at Police Station Purana Shalla, District Gurdaspur.

As per allegations the complainant Lakhwinder Singh alleged that Malkit Singh son of Manjit Kaur had gone to America in October 2018. Manjit Kaur brought a blank stamp

paper of Rs.500/- to the complainant and asked the complainant to sign as the same was to be sent abroad for the release of her son. Son of Manjit Kaur was illegally sent abroad by the petitioner in connivance with Hardeep Singh and Malkit Singh @ Sabhi. Malkit Singh was arrested in America. The agents told Manjit Kaur to bring blank stamp paper signed by the respectables of the village as the same was to be sent abroad for the purposes of getting Malkit Singh released. Husband of Manjit Kaur was a martyr who died during Kargil war. The family is enjoying lot of respect in the village. The complainant put his signature on the blank stamp paper as witness. Later on it was found that the stamp paper has been used for preparing fabricated agreement dated 16.10.2018 in respect of borrowing an amount of Rs.6 lakhs from the petitioner.

Learned counsel for the petitioner submitted that Manjit Kaur has not lodged the present FIR. A Civil Suit No.1113 of 2020 in respect of agreement dated 16.10.2018 has already been filed by the petitioner against Manjit Kaur which is pending in the Civil Court at Gurdaspur. Petitioner is confined to bed on account of fracture and number of ailments for which she is being treated in the Hospital.

Learned counsel further submitted that the offence is triable by the Magistrate. In the order dated 25.11.2020 passed

by the Addl. Sessions Judge, Gurdaspur it has been shown that the petitioner is in judicial lock-up since 13.11.2020. Challan has not been presented so far.

Per contra, learned State counsel duly assisted by learned counsel for the complainant submitted that original blank signed stamp paper was sent through courier to the co-accused Malkit Singh @ Sabhi who is in USA. Manjit Kaur also sent a copy of blank stamp paper to the aforesaid Malkit Singh @ Sabhi through e-mail.

Preparation of agreement on the original blank signed stamp paper would be debatable as signing of original blank signed stamp paper sent through courier would be debatable as to the material sent in a sealed courier. The offence is triable by the Magistrate. Petitioner is in judicial custody since 13.11.2020. Challan has not been presented so far.

Owing to the medical condition of the petitioner as well as *prima facie* consideration of the case at this stage and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 13, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No