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

CRM-M-49593-2021

Date of decision : 26.11.2021

HARBHAJAN SINGH AND ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Vikas Bali, Advocate for the petitioners.

Mr. Sarabjit Singh, AAG, Punjab.

(Through Video Conferencing)

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**VIKAS BAHL, J. (ORAL)**

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.188 dated 08.08.2020 registered under Section 420 of the Indian Penal Code, 1860 read with Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Lohian, District Jalandhar (Rural).

Learned counsel for the petitioners has vehemently submitted that in the present case, the petitioners were also duped by one Gurmeet Kaur. The FIR had been registered by Sandeep Singh-complainant in which all the allegations have been levelled against Gurmeet Kaur, Narinder Singh and son of Gurmeet Kaur namely Santokh Singh and as per the said FIR, Rs.5 lac each was given by nine persons to the said accused persons, thus, totaling

to the tune of Rs.45 lacs. The petitioners also had given Rs.5 lac each for sending their son and daughter abroad. The son of petitioner No.1 is Jaskaran Singh and daughter of petitioner No.2 is Komalpreet Kaur, whose names find mention in the FIR. It is argued that in the said FIR, in which the petitioners were also victims, enquiry was conducted on the direction of SSP, Jalandhar, Rural, marked to the Incharge Economic Wing, Jalandhar (Rural), who after detailed investigation, had found that Komalpreet Kaur, daughter of petitioner No.2 had paid Rs.5 lacs cash and Jaskaran Singh, son of the petitioner No.1 had given cheque No.000052 of Rs.3 lacs drawn on HDFC Bank and Rs.2 lacs cash alongwith other seven persons who had also individually given Rs.5 lacs each to Gurmeet Kaur in her house at Guru Nanak Nagar, Ward No.6, Civil Hospital Lohian, District Jalandhar and the balance amount of Rs.45 lacs was to be paid to her after reaching America. Thereafter, the said children were taken to Bombay. During the investigation, it was also found that Gurmeet Kaur had deposited two cheques dated 07.10.2019 of Rs.3 lacs and 09.10.2019 of Rs.5 lacs and on 10.10.2019, Rs.8 lacs were withdrawn by Gurmeet Kaur from the said account. Gurmeet Kaur in fact, admitted her guilt and had even issued nine cheques from the account No.0753100010995 and when Jasveer Kaur wife of Amarjeet Kaur had presented the said cheques, the same were dishonoured. It is also argued that in fact, nine persons had filed a petition bearing CRM-M-39573-2021, which included the son of petitioner No.1 and daughter of petitioner No.2, by stating that no action was being taken in the said FIR. In the said case, notice of motion was issued on 22.09.2021 by a Coordinate Bench of this Court and the same is still pending adjudication. It is contended that surprisingly, on an

application moved by the main accused Gurmeet Kaur, the police has now held that Gurmeet Kaur is innocent and has in fact, made the present petitioners, who were victims, as an accused.

Notice of motion.

On advance notice, Mr. Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioners and has submitted that as per the latest enquiry, the petitioners have been held to be persons who have committed the offence. However, the other factual averments made by learned counsel for the petitioners which are borne out from the record also, could not be disputed.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that in the present case, even as per the complainant-Sandeep Singh, on whose complaint, the FIR was registered, it was Gurmeet Kaur, Narinder Singh and son of Gurmeet Kaur i.e. Santokh Singh, who had duped the complainant and as well as 8 other persons of an exorbitant amount of Rs.45 lacs and in fact, as per the enquiry conducted by the Incharge, Economic Wing on the direction of SSP, Jalandhar (Rural), it has been found that even the present petitioners had given an amount of Rs.5 lacs each for sending their son (Jaskaran Singh) and daughter (Komalpreet Kaur) respectively, abroad and in fact, the said persons were also the victims as said Gurmeet Kaur and other associates, had duped them also and it was also found that Gurmeet Kaur had got the cheques credited in her account in the month of October, 2019 and had withdrawn the money, the

present petition is allowed and in the event of arrest, the petitioners are granted the concession of anticipatory bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioners shall join the investigation as and when called upon to do so.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

**26.11.2021**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**