

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

**202**

**CRM-M-55425-2019 (O&M)  
Date of Decision: 01.09.2021**

Kirandeep Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Manbir Singh, Advocate, for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab  
assisted by SI Deepak Kumar.

*(proceedings conducted through video conferencing)*

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioners have approached this Court seeking anticipatory bail in respect of a case registered against them vide FIR No.0100 dated 12.09.2018 at Police Station Morinda, District Rupnagar, under Sections 406/420/120-B IPC.
2. The FIR in question was lodged at the instance of Gian Singh, wherein it is alleged that Jagtar Singh had approached him while representing that he owns 49 Kanals 9 Marlas of land in Village Lutheri, which he wants to sell. Said Jagtar Singh showed a *jamabandi* to the complainant wherein the names of Amanpreet Singh and Sardara Begum were recorded, but mutation No.1560

was also recorded therein showing that the land in question had been mutated in favour of Jagtar Singh. Upon a query made by the complainant, said Jagtar Singh disclosed that he had purchased the said property and also showed documents in respect of the said purchase. It is alleged that Jagtar Singh also introduced him to Amanpreet Singh and Sardara Begum. The deal was struck between the complainant and Jagtar Singh for sale of land at the rate of Rs.19,10,000/- per acre and an amount of Rs.60 lakhs was given to Jagtar Singh as earnest money and the date 16.05.2018 was fixed as the date for execution of the sale deed. However, Jagtar Singh, Amanpreet Singh and Sardara Begum did not turn up on the nominated date for execution of sale deed. Later, when the complainant made enquiries, he came to know that the alleged mutation in favour of Jagtar Singh had in fact never been sanctioned and that a forged *jamabandi* had been shown to him.

3. Learned counsel for the petitioners has submitted that the petitioners are nowhere named in the FIR and have been nominated on the basis of a disclosure statement alleged to have been made by co-accused Yadwinder Singh, wherein he has stated that Jagtar Singh had given him an amount of Rs.15 lakhs out of the amount of Rs.50 lakhs received by him as earnest money and that Jagtar Singh had disclosed to Yadwinder Singh that out of the ill-gotten money, he had given an amount of Rs.10 lakhs to his second wife Kirandeep Kaur and his mother-in-law Paramjit Kaur (petitioners No.1 & 2 respectively), whereas he had purchased a

house for his previous wife Manjit Kaur. It has been submitted that even if it is accepted that the petitioners had received some amount from Jagtar Singh, still there is nothing on record to suggest that they had any role to play in the alleged defrauding of the complainant or that while accepting money from Jagtar Singh, they had any knowledge that the said money was ill-gotten wealth.

4. Opposing the petition, learned State counsel has submitted that since the petitioners had accepted a substantial amount of Rs.10 lakhs, it cannot be expected that they do not know about the source of the amount being given to them and that it is quite apparent that they were very well aware about the entire fraud. Learned State counsel has, however, informed that both the petitioners have since joined investigation and are not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. The petitioners are sought to be nominated on the basis of a disclosure statement made by co-accused Yadwinder Singh. The veracity and admissibility of such statement would be debatable. In any case, even as per the said disclosure statement the only role attributed to the petitioners is that co-accused Jagtar Singh had given some amount to them being his wife and mother-in-law. There is nothing on record to suggest that the petitioners were aware that the amount being given to them is ill-gotten money. In any case, since the petitioners have joined investigation and are not even stated to be involved in any other case, their custodial

interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 23.12.2019 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

**01.09.2021**

VY/Vimal

**(GURVINDER SINGH GILL)**

**JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No