

CRM-M-3707-2022

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

CRM-M-3707-2022 (O & M)

Date of decision: 22.03.2022

Gurjit Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Dhawaljeet Dutta, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

CRM-10494-2022

Allowed as prayed for. Annexure P-7 is taken on record,
subject to all just exceptions.

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Through this petition, the petitioner seeks anticipatory bail in
case bearing FIR No.250 dated 25.12.2021, registered at Police Station
City Gurdaspur, District Gurdaspur, under Sections 420, 467, 468 and 471
IPC.

Learned counsel for the petitioner contends that the petitioner
has some transactional history with the complainant qua some
kitty/Committee and the amount has been cleared and returned to the
complainant; that the complainant also swore in an affidavit dated
12.10.2020 deposing that she had received the entire amount from the

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petitioner and nothing remains due; that intention of the complainant has now turned *mala fide* and she has started demanding more amount from the petitioner and that owing to her greed, the complainant has got registered the above-noted FIR. It is further contended that the petitioner has also filed a civil suit for declaration and permanent injunction against the complainant, which is pending adjudication before the Civil Court, Gurdaspur.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh, DAG, Punjab, accepts notice on behalf of the respondent-State, and opposes the prayer made by the petitioner.

I have heard the learned counsel for the parties.

As per the prosecution version, the petitioner had taken Rs.3,51,000/- from the complainant in order to provide loan to different persons; that the complainant filed a complaint against the petitioner before the police with the allegations that the petitioner had admitted the factum of having received the amount and agreed to return the amount, in writing, and that the petitioner has not returned the entire amount to the complainant.

Learned Addl. Sessions Judge, Gurdapsur, while dismissing the application for anticipatory bail, noticed that an amount of Rs.2,65,000/- is yet to be recovered from the petitioner and with regard to the forged and fabricated document i.e. receipt dated 22.07.2019, some material information is to be collected from the petitioner.

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The affidavit (Annexure P-2) allegedly sworn in by the complainant dates back to October, 2020, but the above-noted FIR was registered on 25.12.2021. It is the specific case of the prosecution that the petitioner had not returned the entire amount to the complainant and had forged and fabricated the receipt dated 22.07.2019.

Keeping in view the nature and gravity of the offence and the conduct of the petitioner in backtracking from his undertaking and rather forging the receipt dated 22.07.2019, but without commenting on the merits of the case, this Court finds that the petitioner is required for custodial interrogation.

Therefore, finding no merit in the present petition, the same is dismissed.

22.03.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No