

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

CRM-M-5620-2022 (O&M)

Date of decision: 17.05.2022

Paramjit Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Dinesh Trehan, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

Mr. Ramesh Chand Sharma, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

CRM-18408-2022

Prayer in the present application is for placing on record Annexure P-13, the conversation between complainant-Khushjit Singh and Amritpal Singh-son of the petitioner.

Notice of the application.

On the asking of this Court, learned State counsel and learned counsel for the complainant, accept notice and submit that they have no objection, if the application is allowed.

In view of the above, the application is allowed. Annexure P-13 is taken on record. Registry is directed to tag the same at an appropriate place.

Main case:

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.221 dated 24.11.2020, registered at Police Station Division 3, District Police Commissionerate Ludhiana, under Sections 420 and 120-B IPC.

Learned counsel for the petitioner submits that initially, Rs. 6 lakh was received by Gurbachan Singh-husband of the petitioner, as token money from the complainant on 06.08.2019 and thereafter 07.08.2019 entered into an agreement to sell of the house in question for a consideration of Rs. 50 lakh. The petitioner has not signed the alleged agreement to sell, it was the complainant who misused the blank signed paper of the petitioner and her family members, which were lying with him in connection with kitty business.

He further submits that there is no occasion for executing the compromise dated 04.07.2020 by Amritpal Singh-son of the petitioner, as he was quarantined due to Covid-19 on the said date.

Learned State counsel assisted by the learned counsel for the complainant submits that the compromise was executed between the complainant and the son of the petitioner and the cheques in question were handed over to the complainant, which could not be encashed as the account was closed. The complainant has also filed a complaint under Section 138 of the Negotiable Instruments Act, 1881. The petitioner in connivance with her other family members have caused loss to the complainant. It is also pointed out that the bail petition of co-accused Gurbachan Singh-husband of the petitioner, stands dismissed vide order dated 13.01.2021 passed by this Court

in CRM-M-42315-2020

I have heard the learned counsel for the parties.

The property in question is owned by the petitioner and the compromise was executed by her son. The cheques issued by the son of the petitioner could not be encashed, therefore, the complainant filed a complaint under Section 138 of the Negotiable Instruments Act, 1881. The learned Additional Sessions Judge, Ludhiana, while dismissed the bail application of the petitioner, noticed that in document dated 04.07.2020 allegedly executed by Amritpal Singh-son of the petitioner, it was mentioned that on the stipulated date, his parents had not come present for execution of sale deed because they had already alienated the same in the name of someone else without disclosing him.

Considering the very nature of the allegations contained in the FIR, the custodial interrogation of the petitioner is must. Hence, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

17.05.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No