

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CRM-M-14157-2022

Date of decision: - 08.04.2022

Balwinder Kaur

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Arjun Singh, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.31 dated 14.03.2020, registered under Sections 420 and 120-B IPC (Sections 419 and 201 IPC added later on), at Police Station Beas, District Amritsar.

Learned counsel for the petitioner has submitted that the petitioner is a 52 year old lady and has been falsely implicated in the present case on account of the dispute between Rajbir (son of the present petitioner) and the complainant. It is submitted that a perusal of the FIR would show that even the allegations have been made against Rajbir and

other persons with respect to transaction between Rajbir and complainant regarding purchase of factory and the payment of the money and also, with respect to taking away of the bag and the written agreement and not against the present petitioner. It is further submitted that the present petitioner has been in custody since 07.12.2021 and the challan has been presented and there are 67 witnesses, none of whom have been examined yet, thus, the trial is likely to take some time.

Learned State counsel as well as learned counsel for the complainant have opposed the present petition for the grant of regular bail and have submitted that even the petitioner is a co-conspirator with her son and other persons and have caused a loss of Rs.1,40,00,000/- to the complainant. It is also submitted that the payment of amount of Rs.1,84,000/- has also come into the bank account of the present petitioner.

This Court has heard learned counsel for the parties and gone through the paper-book.

A perusal of the present FIR would show that all the allegations with respect to the agreement, taking away of the bag etc. are against the co-accused and the only allegation against the petitioner is that she along with her son Rajbir started coming to the house of the complainant at Beas. The argument of learned counsel for the petitioner to the effect that the petitioner has been implicated solely on account of being the mother of Rajbir, cannot be brushed aside and at any rate, the said aspect would be a matter of trial. Moreover, the petitioner is a 52 year old lady and has been in custody since 07.12.2021 and the challan

qua her has already been presented in this case and there are 67 witnesses, none of whom have been examined and thus, the trial is likely to take long time. Further, the petitioner is not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to her not being required in any other case.

It is however made clear that in case the petitioner influences or threatens any witness, then it would be open to the State to move an application for cancellation of bail of the petitioner.

However, nothing stated above shall be construed as a final 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 petition.

April 08, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No