

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17591 of 2021(O&M)
Date of Decision:- 17.05.2022

Shamsher Singh and another

....Petitioners

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Bhupinder Ghai, Advocate
for petitioner No.2.

Ms. Samina Dhir, DAG, Punjab.

Mr. Rajesh Duhan, Advocate
for the complainant.

The present petition was dismissed as withdrawn qua
petitioner No.1 vide order dated 11.06.2021 on his arrest.

KARAMJIT SINGH, J.

Prayer is for grant for anticipatory bail to the petitioner
No.2-Jaswinder Kaur in case having FIR No.87 dated 01.04.2021
registered under Sections 420, 406, 120-B IPC, 1860, Police Station
Patran, District Patiala, Punjab.

The FIR in this case was registered on the basis of
complaint lodged by Rajpal son of Bant Singh, in which he alleged

that in July, 2018 petitioner No.1-Shamsher Singh approached him with proposal to marry his daughter Preetpal Kaur with Brijnandan Sharan son of complainant. At that time petitioner No.1 disclosed to the complainant that his daughter Preetpal Kaur has appeared in IELTS exam and intends to go to Canada, but is having no finances for the same. Petitioner No.1 gave proposal that if the complainant is ready to spend the money and bear the expenses of sending Preetpal Kaur to Canada then he would marry his daughter with son of complainant. On the basis of said proposal Brijnandan Sharan got married with Preetpal Kaur on 2.9.2018 and the entire expenses of marriage were borne by the complainant. Then Preetpal Kaur went to Canada on 30.09.2018 and all the expenses to send her abroad were also borne by the complainant and for that purpose the complainant also took loan from his relatives. That Brijnandan Sharan also reached Canada on 27.03.2019, however, immediately thereafter Preetpal Kaur registered false case against the son of complainant. Thereafter, petitioner No.1 put condition that firstly the complainant should deposit the entire fees of Preetpal Kaur and then his daughter would withdraw the aforesaid case and on this the complainant paid Rs.2,70,000/- in the account of petitioner No.1 but despite that Preetpal kaur had not withdrawn the aforesaid criminal case against her husband and rather she started pressurizing Brijnandan Sharan that he should give divorce. Complainant further alleged thereafter

petitioner No.1 started raising another demand of Rs.20,00,000/- for withdrawal of the above said criminal case.

The counsel for the petitioner No.2 contends that there are no specific allegations appearing on record against petitioner No.2 who is mother of Brijnandan Sharan and is wife of petitioner No.1 Shamsheer Singh. The counsel further contends that petitioner No.2 has been falsely implicated in the present case and she has already joined the investigation. The counsel further contends that there is no question of fraud or cheating in the present case, as Brijnandan Sharan got married with Preetpal Kaur to go to Canada and presently both of them are residing in Canada. The counsel for petitioner No.2 further contends that the present petition deserves to be allowed in favour of petitioner No.2.

The State counsel as well as the counsel for complainant have opposed the present petition and submit that serious allegations are there on record against petitioner No.2 that she in connivance with her husband and daughter defrauded the complainant.

I have considered the submissions made by the counsel for the parties.

As per the FIR, it appears that the complainant wanted to send his son to Canada and for that purpose he accepted the proposal made by petitioner No.1, whose daughter Preetpal Kaur at that time had appeared in IELTS exam and was planning to go to Canada. Accordingly, marriage of Preetpal Kaur with Brijnandan Sharan son

of complainant was performed on 2.9.2018. Thereafter, Preetpal Kaur went to Canada and she also called her husband, who reached Canada in March, 2019.

Admittedly, at present Preetpal Kaur and her husband Brijnandan Sharan are living in Canada, though as per complainant now there is marital discord between them.

There is no specific allegations in the FIR against petitioner No.2 except that amount of Rs.2,70,000/- was deposited by the complainant in the account of petitioner No.1 and petitioner No.2, on the asking of petitioner No.1. Admittedly, petitioner No.2 has already the joined the investigation with the police. As per order dated 03.03.2022, State counsel on instructions from SI Birbal Sharma apprised this Court that petitioner No.2 who has joined the investigation is not required by the police for any custodial interrogation.

In view of the above, it is a moot point as to whether petitioner No.2 committed any cheating or fraud against the complainant or his son. Further, the petitioner No.2 has already joined the investigation with the police.

Accordingly, the present petition is allowed and order granting interim bail dated 01.10.2021 to the petitioner No.2 is hereby made absolute qua petitioner No.2 subject to the conditions envisaged under Section 438(2) Cr.P.C.

Any observation made herein-above shall not be construed as an expression on the merits of the case.

17.05.2022

P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No