

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

CRM-M-27559-2023

Date of Decision:17.08.2023

Gurmeet Kaur

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. G.S.Ghuman, Advocate and
 Mr. P.S.Maan, Advocate
 for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.0003 dated 12.01.2021 registered under Sections 420, 120-B of IPC and Section 24 of Immigration Act, at Police Station Sadar Jagraon, Ludhiana (Rural).

Learned counsel for the petitioner contends that the petitioner is 58 years old widow and has been falsely implicated in the present case. Learned counsel for the petitioner contends that the petitioner is a household lady and is not running any travel agency nor is having any license etc. regarding the said business. Learned counsel further contends that the petitioner had borrowed money from the complainant and had transferred her share of land in the name of the complainant as security. Initially, it was agreed between the parties that the petitioner shall return the money to the complainant

and the documents of the land shall be returned by the complainant to the petitioner. Later on, the petitioner returned the money to the complainant in installments, but the complainant turned greedy and lodged the FIR after a long delay of 5/6 years. Learned counsel further contends that the complainant, by using her political influence, got the false case registered against the present petitioner. The petitioner was arrested in the present case on 15.02.2023 and the challan has already been presented against her. Learned counsel further contends that the examination-in-chief of the complainant has already been recorded by the learned trial Court and the next date of hearing before the trial Court is fixed on 30.08.2023. Thus, further custody of the petitioner will serve no meaningful purpose.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and specific allegations have been levelled against her. He further contends that one more case of similar nature has been registered against the present petitioner.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner was arrested in the present case on 15.02.2023 and is in custody for the last more than four months. The complainant has appeared and deposed the facts with regard to the allegations levelled in the present case and the next date of hearing is fixed before the trial Court on 30.08.2023. Only one witness has been examined out of total 10 witnesses so far and the trial is at the nascent stage.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

17.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No