

CRM-M-48506-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(228)

CRM-M-48506-2023
Date of decision:- 14.12.2023

Sumanjeet Kaur @ Suman Jeet Kour ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gursharan Singh, Advocate
for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab
for State-respondent.

Mr. Parminder Singh Kanwar, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
20	23.02.2023	Shahpurkandi, District Pathankot	417, 420 and 120-B, IPC and Section 66 (C) of the Information Technology Act, 2000

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the complaint of Raghuveer Singh on the allegation that Paramjit Singh and Manish Kumar Gupta have defrauded him of Rs.1,62,34,790/-. Complainant has alleged that about one and a half year ago, the accused, who were posted with Reliance Company, misled him

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into transferring an amount of over Rs.82 lakhs to their account for purchase of equity shares. The accused assured him that the amount had been invested and he will get profit in due course. However, when he grew suspicious and enquired, he found that the accused had never opened an account in his name and instead the amount had been invested by them in their personal account.

3. Counsel for the petitioner submits that petitioner is the wife of one of the accused and is in custody since 15.04.2023. He contends that there is no allegation against the petitioner and she has been apprehended because during investigation, it was discovered that a substantial amount has been transferred to her bank account. Counsel submits that the investigation qua the petitioner is complete and she is no longer required for custodial interrogation, therefore, she deserves to be released on bail as she has a three year old child to look after, who is in custody of relatives since her husband is also in detention.

4. *Per contra*, State counsel, who is assisted by counsel for the complainant, have opposed the prayer. It has been argued that the couple was hand in glove and although not specifically named, petitioner was aware of the fraud committed by her husband and party to it. Counsel for the complainant has referred to the final report submitted by the Investigating Agency to submit that an amount of Rs.32 lakhs has been transferred in her account and she is the beneficiary of the fraud committed by her husband.

5. I have heard counsel for the parties and considered their respective submissions.

6. Concededly, petitioner is not named in the FIR nor any allegation has been levelled against her. The offences allegedly committed by the petitioner are triable by a Magistrate. Investigation qua her is complete, challan has been presented and charge has been framed. No apprehension has been expressed by the prosecution that in case the petitioner is released on bail, she is likely to delay the trial or influence the witnesses or abscond. Further, noticing that she has a toddler to take care of, this Court is inclined to accept the prayer made in the petition.

7. Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

14.12.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No