

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105 CRM M-959 of 2024
 Date of Decision: 10.01.2024

Karamjit Kaur		...Petitioner
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Shubh Ashish Kukreti, Advocate
 for the petitioner.

 Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to her in case FIR No.0095 dated 02.11.2023 registered under Sections 420 and 120-B IPC at Police Station Sadar Rajpura, District Patiala.
2. Learned counsel for the petitioner contends that the Gram Panchayat of the village had agreed to purchase the land of Karamjit Kaur wife of Darshan Singh and the plots measuring 5 marlas were to be carved out from the said land and were to be given to the poor persons. Total 22 Kanals and 19 Marlas 1 Sarsai of land was to be purchased at the rate of Rs. 23,50,000/- per acre. During the said proceedings, an amount of Rs. 17 lacs was transferred in the account of the present petitioner. Learned counsel for the petitioner contends that in fact Deep Kumar @ Honey was a co-villager and stated that due to some technical problem, he could not deposit a sum of Rs. 17

lacs from his account and wanted to deposit a sum of Rs. 17 lacs in her account. The petitioner trusted Deep Kumar @ Honey, being the neighbour and permitted him to deposit the amount of Rs. 17 lacs in her account. It is further contended that after 2/3 days, the amount of Rs. 10 lacs was transferred in the account of Deep Kumar @ Honey through RTGS and remaining amount of Rs. 07 lacs was handed over to him by the petitioner after withdrawing the cash from the bank. Learned counsel further contends that the petitioner was neither the party to the agreement to sell nor was beneficiary of the transaction in any manner.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by the present petitioner. Learned State counsel submits that the gram panchayat of the village had agreed to purchase the land of Karamjit Kaur wife of Darshan Singh and had entered into an agreement with her on 10.12.2020. Total 22 Kanals and 19 Marlas of the land was to be purchased at the rate of Rs. 23,50,000/- per acre. However, the present petitioner, i.e, Karamjit Kaur wife of Sardul Singh fraudulently obtained the cheque of Rs. 17,00,000/- from the gram panchayat by colluding with her co-accused and the said cheque was illegally deposited in the account of the present petitioner. Out of the total sum of Rs. 17 lacs, she transferred an amount of Rs. 10 lacs in the account of Deep Kumar @ Honey and Rs. 7 lacs had been withdrawn by her by way of cash. Learned State counsel further submits that the petitioner and her

co-accused had caused loss of Rs. 17 lacs to the Gram Panchayat and keeping in view the gravity of the crime, she is not entitled to the benefit of anticipatory bail.

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

5. From the record, it is apparent that the land in the present case was sold by Karamjit Kaur wife of Darshan Singh to the gram panchayat. However, taking advantage of a similar name, the present petitioner, i.e., Karamjit Kaur wife of Sardul Singh had taken away cheque from the gram panchayat and illegally deposited the cheque in her account. She not only transferred the amount of Rs. 10 lacs to her co-accused, but also herself had withdrawn a sum of Rs. 7 lacs. Thus, she caused loss of Rs. 17 lacs to the gram panchayat. Thus, keeping in view the gravity of the offence and need for custodial interrogation, the present petition is ordered to be dismissed.

10.01.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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