

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2805-2024
DECIDED ON: 24.01.2024

RAJVINDER KAUR
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr. Gautam Kaile, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.233, dated 03.10.2023 (Annexure P-1), under Sections 420, 467, 468, 471 and 120-B IPC, 1860, registered at Police Station Maqboolpura, District Amritsar.
2. Learned counsel for the petitioner has argued that the petitioner is a victim by accused No.1, who has duped the present petitioner on the pretext of getting a job to her daughter namely Harpreet Kaur in Punjab Police. Mr. Mahajan, learned Advocate submits that on the asking of one Navjot Kaur, an amount was deposited to the tune of Rs.4,50,000/- in Bank Account No.0500000100474483, which was found to be of one Ms. Amandeep Kaur wife of Mr. Paramjit Singh. The doubts on the prosecution story have been further raised on behalf of the petitioner urging that the entire story has been cooked up subsequently whereas as per the initial complaint, the money was paid by the complainant at the house of petitioner

and seeks concession of regular bail on account of additional facts that apart from petitioner being duped, she is behind the bars for a reasonable long time, wherein investigation is complete, challan stands presented on 02.01.2024, no useful purpose would be served as her custodial interrogation is no more required being a case of documentary evidence.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record, to demonstrate that she has suffered incarceration for a period of 03 months & 19 days and submits that all the six accused persons have jointly duped the complainant for a sum of Rs.12 lakhs and said amount has not been recovered, though after completion of investigation, challan was filed on 02.01.2024 but charges are yet to be framed.

4. Considering the petitioner is a lady and she herself made a complaint dated 16.01.2023 and 22.02.2023 to the police authorities, which are not being addressed at all and no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period as both the parties are leveling allegations and counter allegations duping each other as is evident from the narration made in the FIR and pleadings raised in the instant petition and the petitioner is not further required for custodial interrogation since the investigation is complete.

5. This Court is sanguine of the fact and of considered view that keeping an accused behind the bars, till his guilt is proved, for an indefinite period, amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India as well as against the principle "*bail is a rule and jail is an exception*".

6. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. In the afore-said terms, the present petition is hereby allowed.
8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

24.01.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No