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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19119-2024 (O&M)
Date of Decision:- 27.05.2024

RUPINDER KAUR

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Amanpreet Singh, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

Reply dated 16.05.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Dakha, District Ludhiana (Rural) is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
14	13.02.2023	420 and 120-B IPC	Sudhar, Police District Ludhiana Rural

4. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in the case. It is submitted that the petitioner is in custody since 12.02.2024 and after the completion of investigation, challan has already been presented in Court and the conclusion of trial will take sufficient long time. He further submits that in order to show her *bona fide*, the petitioner is even ready to deposit ₹4 lakhs in the learned trial Court to be kept in the shape of FDR, thus, prays for grant of regular bail to the petitioner.

5. On the other hand, learned State counsel while referring to the reply submitted by the State, has assailed these arguments by stating that the petitioner alongwith her daughter had defrauded the complainant of ₹4 lakhs on the pretext of arranging transit of her husband from Saudi Arabia to Canada and providing him a job in Canada. He has submitted that when the accused-petitioner failed to shift the husband of the complainant to Canada and on the amount being demanded back, she handed over a cheque of ₹2 lakhs to the complainant, however, on presentation, the same got dishonoured, as such, the petitioner does not deserve the concession of bail.

6. Heard.

7. After considering the respective submissions and perusing the record, it transpires that the instant case was registered on the complaint moved by complainant-Gurpreet Kaur alleging that the petitioner and her daughter had assured the complainant that they will get her husband shifted from Saudi Arabia to Canada and he will be provided a job in Canada and on this pretext, they took ₹4 lakhs from her. However, upon failure to do so, when the complainant demanded back the amount, she was given a cheque,



which on presentation got dishonoured. Accordingly, the instant FIR was registered and the petitioner was arrested on 12.02.2024. Admittedly, after the completion of investigation, challan has already been presented in the Court of Illaqa Magistrate at Jagraon.

8. At the very outset, learned counsel for the petitioner has stated that the petitioner is ready to deposit ₹4 lakhs in the shape of FDR in the learned trial Court to show her *bona fide*. Since the challan has already been presented in the Court, the petitioner is not required for further investigation in the matter. The conclusion of trial to ascertain the criminal liability, if any, on the part of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer and keeping in view the submissions of learned counsel for the petitioner qua deposit of ₹4 lakhs in the learned trial Court, to show her *bona fide*, it is deemed appropriate and in the interest of justice that the petitioner be granted the concession of bail at this stage.

9. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case, subject to her depositing an amount of ₹4 lakhs in the shape of FDR in favour of the trial Court concerned, renewable from time to time, disbursal of which shall be subject to final outcome of the trial, with an undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with



evidence of prosecution in any manner.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

11. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

27.05.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No