



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48753-2024
DECIDED ON: 30.09.2024

INDERJEET KAUR
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Kanwaljeet Singh Brar, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought
- The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.188, dated 29.08.2024, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station City Kotkapura, District Faridkot.
2. Prosecution story setup in the present case as per the version in the FIR are as under:-

Today an application No. 1217-PC-8/24 dated 02.07.2024 by Virpal Kaur etc. Mobile: 90410-29108, against Rupinder Kaur Wife Gurmail Singh Resident House No. 498, Hari Nau Road, Kotkapura, Nirmala Rani wife of Krishna Lal, Raj Kumar son of Krishna Lal Residents of Village Giljewala, District Sri Muktsar

Sahib, Rajni Bala wife of Raj Kumar Resident of Village Giljewala, District Sri Muktsar Sahib, Inderjit Kaur wife of Dharamvir Singh Resident of Machaki Mall Singh Road, Guru Teg Bahadur Nagar, Faridkot, after investigation Deputy Superintendent of Police Sub-Division Faridkot, after comment Superintendent Police (PBI and Inve:) Faridkot upon orders of Hon'ble Senior Superintendent Police Faridkot was received at Police Station for registration of case, the contents of which are as under: "To, Hon'ble SSP Sahib, Punjab Police Faridkot, complaint against (1) Nirmala Rani (Mobile. 98788- 90067) wife Krishna Lal, Rajni wife Raju Kumar (Mob. 90412- 17201) (3) Raju Kumar S/o Krishna Lal r/o Chaoprean wala Bagh Gali No. 5 Kotkapura District Faridkot. (4) Parveen Kaur alias Inderjit Kaur alias Bandu, wife of Bittu Fauji Sahota alias Dharamvir Singh (Mob. 91154- 72625, 98760-02190, 85570-86253, 76961-78172, 77102-84952, 98783- 09064 resident of Machaki Mall Singh road, Teacher Colony Street No.4 Near Gurdwara Sahib Ishar Prakash District Faridkot (5) Manpreet Singh (Mob. 94170-28076) son of not known (6) Angrez Singh alias Bantu son of Seera Singh (7) Seera Singh (Mob. 77102-84952) s/ ° not known I/o V. Marar, Tehsil and Distt. Faridkot (8) Duggal and Amarjit Kaur (9) Rupinder Kaur (Mob. 82849-26620) w/o Mela Singh regarding fraud of Rs. 80 lakh. Sir, regarding the above subject I request that I am Virpal Kaur wife of Sh. Gurmeet Singh resident Dashmesh Nagar Jalalabad District Fazilka etc. That I met Nirmala Rani abovesaid at some wedding, who described herself as a finance worker. As I needed money, I agreed to take a loan from her side. Upon which she told me about the loan given by the Modi government and said that for this you have to make about 50 members and all of them will get a loan

from the government. 43 members were made and 60 lakh rupees were collected by all of us and deposited in different accounts of the persons under the said subject, the proof of which is available with us, and I am ready to present it as evidence on the spot. After which we have been harassed by the persons under the said subject for almost 2 years and they kept lingering on and neither our loan pass nor our principal amount is being refunded to us. We were deceived by the abovesaid and they asked for one and a half lakh rupees per person to pass the loan and then we gathered our relatives and some friends and with that we have got 43 members together, to whom they had to get the loan passed. Among them, few were very poor and they could not pay this money at the first instance, and then as the money was being collected, Nirmala Rani, wife Krishna Lal, kept coming and taking money from our house from time to time as we sold the combine and in this way also gave some money from our accounts, thus kept on depositing about 45 lakh rupees in their accounts online. Accounts in which 94171-39364, Manpreet Singh's account 94170-28076, Devinder Kaur Brar and 70557-57354, Sanjeev Kumar 98721-13974, Vijay Kumar (the details of which we can present as evidence. And then these persons kept on linger on us for almost 2 years, and we are having their phone recordings and we can present it as evidence. From this, the money of some persons has been returned by Veerpal Kaur at her own level by selling her house and articles of her house. Apart from me and 43 members, some other persons have been cheated by them of around Rs. 20 lakhs. Abovesaid persons now are threatening us and no one is picking up our phone. Abovesaid persons are now absconders and we do not know their whereabouts and the addresses given by them where they were staying,

now they are not available there. Please take strict action against abovesaid persons as they had made a gang and had cheated different persons for amount of about Rs. 80 lakhs and for deceiving us and our money be got returned. We all members belong to poor families and this amount is too big for us, due to which we are suffering financially and mentally. So please take action against abovesaid persons as soon as possible and our claim be satisfied. We shall be very grateful. Applicant Sd/-Virpal Kaur etc.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that neither any transaction has ever took place in the account of the present petitioner nor she had ever received any amount from the complainant. He further contends that the basic ingredients of offence as alleged in the FIR are not made out against the petitioner. It has been further asserted on behalf of the petitioner that she is not a habitual offender as she is not involved in any other case. The petitioner is ready and willing to join the investigation and will cooperate with the investigating officer as has been asserted by learned counsel for the petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from ASI Gurmail Singh, opposes the grant of anticipatory bail asserting that the petitioner is the mastermind of the fraud as she used the other co-accused persons, namely, Rupinder Kaur, Nirmala Rani, Raj Kumar and Rajni Bala for getting sanction loan under the Prime Minister Relief Fund and they collected Rs.86 lacs out of which Rs.26 lacs were credited in

the account of Manpreet Singh, who happens to be the cousin brother of the petitioner. The complainant as well as the aggrieved persons had deposited different amounts in the accounts of Rupinder Kaur, Nirmala Rani, Raj Kumar and Rajni Bala and cash of Rs.60 lacs was collected by Angrej Singh, the real brother of the petitioner.

On behalf of the complainant

He seeks dismissal of the instant petition on the ground that the anticipatory bail petition of the similarly situated co-accused have already been dismissed by this Court. He further submits that even though no transaction has ever taken place in her account but the allegations against her are that she is the master mind of the entire fraud as she knowingly credited the amount of Rs.28 lacs in her cousin brother's account, namely Manpreet Singh apart from accounts of other persons.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made by the respective parties, this Court is of the considered view that neither the State nor the complainant could show any benefit drawn by the present petitioner qua single penny at all except for tagging her with the title of mastermind just to drag her into the litigation and all other money stated to have been collected is either through bank account or cash at her behest. It is beyond any stretch of imagination atleast at this stage by asserting that the mastermind will not get any single penny as there is no such allegation coming forth of collecting or receiving anything out of that collected money in cash or through bank accounts at any stage.

In the light of above, having regard to the contention of the complainant that this Court did not agree to grant anticipatory bail to the

other co-accused persons, the present petition, therefore, is also to be dismissed, is not sustainable in the light of the fact that those co-accused persons have received major part of the amount collected whereas in the case of the petitioner there is no such allegation coming forth.

Hence, this Court cannot infer in any manner whatsoever to direct custodial interrogation of the petitioner and, therefore, this petition deserves to be accepted.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of 10 days, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

30.09.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No