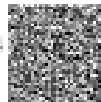


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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3679-2025
DECIDED ON: 23.01.2025

GURBAX KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dipanshu Kapur , Advocate for
Mr. S.S. Rana, Advocate
for the petitioner.

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.0140, dated 13.11.2024, under Sections 420, 120-B of IPC, 1860, registered at Police Station Nakodar Sadar, District Jalandhar (Rural) Punjab.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“With regard to complaint number 218-peshi, dated 29.03.2024. To the SSP Jalandhar, complaint against Surinder Singh (99148-78400) S/o Joginder Singh, Gurbax Kaur W/o Surinder Singh, Gaganveer Kaur (0044-744-0691599) and Manveer Kaur (D/o Surinder Singh R/o Vill. Bajwa Kalan PS- Shahkot and Jaspreet kaur W/o Harpreet Singh @ Happy R/o Vill. /Talwandi Bhro PS- Nakodar, Distt. Jalandhar. Subject: Conspiracy for committing fraud of Lakhs of Rupees. The complainant submits as under: 1. That I, Dalveer Singh S/o Lachman Singh is permanent resident of Vill. Kang Sahib Rai PS Nakodar Distt. Jalandhar, Punjab. 2. That I and Amreek Singh are

real brothers and are residing in the same house. Amreek Singh, who is suffering from kidney problem and is on dialysis therefore he remains at house only and all the responsibilities of house are on my shoulders. Dalveer has no child & Amreek Singh has two sons. Elder son Sarabjeet Singh is temporarily residing in England since 2010 and second son Gurjeet Singh and his wife are Canadian citizens. In order to get my son Sarabjeet Singh married in England, we discussed this with our relative Parminder Singh ujon which said Parminder Singh forwarded the photograph of Sarabjeet Singh to his brother-in-law namely Harpreet Happy. The wife of Hapry namely Jaspreet Kaur told that daughter of her sister namely Gaganveer Kaur is also unmarried and can be married to hir and thereafter on conversation with Surinder Singh & Gurbax Kaur, who after seeing the photograph of Sarabjeet Singh agreed for proposal of marriage for which their daughter Gaganveer Kaur also agreed for marriage. Thereafter, Surinder Singh during conversation told that he is poor man and is unable to bear the expenses for sending their daughter to abroad and we should bear the expenses for going to England and after reaching there she will definitely perform marriage with our son Sarabjeet Singh and further he will also get PR there. Surinder Singh & Gurbax Kaur and Gaganveer Kaur had talk with an agent at Jalandhar and she also gave her passport and further agent told that there should be atleast 15,00,000/- in the bank account of Gaganveer Kaur for going abroad. Surinder Singh told us to deposit Rs. 15,00,000/- in the bank account of Gaganveer Kaur and after getting Visa the girl will return said amount. On 05.12.2022 we deposited Rs. 7,40,000/- in the bank account of Gaganveer Kaur in IndusInd Bank A/c No. 100118158850 from Bank Account of Dalbir Singh in UCO Bank and further from the bank account of Harjinder Kaur W/° Dalbir Singh Rs. 4,80,000/- was deposited after withdrawing from her Capital Bank account and Rs. 3,00,000/- was deposited from the bank account of Amrik Singh in the bank account of Gaganveer Kaur and thus total amount of Rs. 15,20,000/- was deposited in the bank account of Gaganveer Kaur. After some time on receipt of offer letter from the University regarding deposit of fees of Gaganveer Kaur, Surinder Singh told to deposit the said fees and on 15.04.2023 Dalbir Singh from his UCO Bank account transferred Rs. 8,00,000/- in the bank account Surinder Singh and further Harjinder Kaur transferred Rs. 5,00,000/- from her Capital Bank account and on 01.05.2023 she also transferred Rs. 3,00,000/- from her Capital Bank account in the bank account of Surinder Singh and thus total amount of Rs. 16,00,000/- was deposited in their bank account. The bank statement is enclosed herewith. On 03.06.2023 Gaganveer Kaur went to England and we spent Rs. 35,40,000/- till she

reached England. Her parents did not spent any money. At England airport Sarabjeet Singh & Manvir Kaur, who is sister of Gaganveer Kaur, came to receive Gaganveer Kaur and all the three started living in the house of Sarabjeet Singh. Manvir Kaur had gone to England about three years ago. Gaganveer Kaur said that she does not want to study in the 13 University furthermore and should apply for work permit for which Sarabjeet Singh spent 15,000 Pounds for getting work permit for 5 years. The University fees deposited was returned in the bank account of Surinder Singh & Gurbax Kaur. After getting 5 years work permit Gaganveer Kaur started quarreling & blackmailing Sarabjeet Singh. On 21.08.2023 Manvir Kaur with the consent of her parents got performed Anand Karj (marriage) of Gaganveer Kaur with Sarabjeet Singh and he spent about 15,000/- Pounds for marriage. Gaganveer Kaur did not consummate marriage with Sarabjeet Singh. Both the sisters Gaganveer Kaur & Manvir Kaur started blackmailing Sarabjeet Singh because of being temporary NRI and further told him to abuse his parents and started him harassing mentally and he was got arrested from the police being residing there illegally and took away. his gold & pass port also. Gaganveer Kaur started living with her Indian friend as she had already friendship with him and intentionally committing fraud with Sarabjeet Singh. The parents of Gaganveer Kaur refused to return our entire amount and intentionally committed fraud & cheating & committed the offence U/s 420 IPC by misappropriating our entire amount, therefore strict legal action in accordance with law may kindly be taken against the above mentioned accused persons namely Gaganveer Kaur & her parents and our money be got recovered from them. We shall be greatful to you. Yours sincerely. Sd/- Dalvir Singh S/o Sh. Lachman Singh, R/o Vill. Kang Sahib Rai, Tehsil Nakodar, District Jalandhar, Punjab. M.No. 94641-22937.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner is falsely implicated in the present case and she is also a victim in the present case. He further submits that Sarabjit Singh has solemnized marriage four times without knowledge of Gaganvir Kaur and her parents and duped them by stating that he was unmarried. She undertakes before this Court that she is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition on the ground that the allegations against the petitioner are serious in nature, but he could not produce any incriminating material to connect the petitioner with alleged commissioning of offence.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that no incriminating material has been put forth by the prosecution to connect the petitioner with the commissioning of offence, he is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein she has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week 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 one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

23.01.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>