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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-7445-2025

Date of Decision: February 14, 2025

Sapinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Tejinderbir Singh, Advocate
for the petitioner.
Mr.Tarun Aggarwal, Sr.DAG, Punjab.
Mr.Bhupinder Gupta, Advocate
for the complainant.

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RAJESH BHARDWAJ, J.(ORAL)

1. Instant petition has been filed praying for grant of regular bail to the petitioner in case FIR No.118, dated 22.11.2024, under Sections 419, 420, 406, 467, 468 and 120-B IPC, registered at Police Station Banur, District Patiala.

2. Succinctly the facts of the case are that FIR in the present case was lodged on the statement of complainant Satwant Kaur wife of Nirmal Singh. It was alleged that Jaswinder Kaur wife of Sapinder Singh, Sapinder Singh son of Bhag Singh, Davinder Kaur wife of Balwant Singh, Harjit Singh son of Balwant Singh and Gurdev Singh son of Bachan Singh had committed cheating by conspiring with each other and withdrawn Rs.25.30 lakhs from the account of the deceased Prem Kaur. It was alleged that Bant Singh and his wife Prem Kaur resided at village Urdan with them. Bant

Singh died on 06.03.2016. Prem Kaur did not have any child and hence she



resided with the complainant. She alleged that in a planned conspiracy, niece of Prem Kaur, namely, Jaswinder Kaur took Prem Kaur with her in the last week of March 2023 and withdrew a sum of Rs.25.30 lakhs from the bank accounts No.202421930000010 of PNB Gajukhera, Tehsil Rajpura, District Patiala and 3526000101080255 of PNB, Kharar. Thus the request was made to take legal action. On registration of the FIR, investigation commenced.

3. The petitioner was arrested on 22.11.2024. He approached the Court of learned Additional Sessions Judge, Patiala, praying for grant of bail, however, after hearing both the sides, the same was declined vide order dated 28.01.2025. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

4. It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case. He submits that the petitioner neither committed any cheating with the complainant nor played any role in withdrawing the amount from both the bank accounts of deceased Prem Kaur. He has submitted that the petitioner never executed any forged and fabricated document and thus the FIR has been lodged in a clandestine manner to harass him. He submits that the alleged amount had been withdrawn during lifetime of Prem Kaur. He submits that death of Prem Kaur took place in July 2023 whereas the amount was withdrawn in March 2023 when Prem Kaur was alive. He submits that the complainant is the wife of nephew of husband of Prem Kaur, who, in a clandestine manner, had lodged the present FIR.

5. Learned counsel for the petitioner submits that similarly



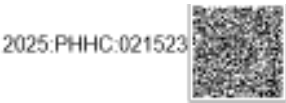
situated co-accused have already been enlarged on anticipatory bail by this Court and the case of the petitioner is on much better footing than that of the co-accused, who is behind bars since the date of his arrest. He submits that as per the report of handwriting expert, allegations against the petitioner are not corroborated. He further submits that there is an unexplained delay in lodging the FIR, thus in the facts and circumstances of the case, the petitioner deserves to be granted bail.

6. Learned counsel for the complainant has, however, opposed the submissions made by learned counsel for the petitioner. He has submitted that the present petitioner is the prime accused, who has played an active role in withdrawing the amount from the account of deceased Prem Kaur. He submits that complicity of the petitioner is duly established from the investigation conducted so far. He submits that deceased Prem Kaur died in suspicious circumstances and the FIR under Section 304 IPC has also been registered.

7. Learned State counsel has also opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner is the main accused. However, he submits that the co-accused have already been granted anticipatory bail by this Court. He has also filed custody certificate, dated 12.02.2025. The same is taken on record.

8. Heard.

9. Evidently, petitioner is behind bars since 22.11.2024. The deceased died in July 2023 whereas the amount from her account was withdrawn in March 2023, i.e. during her life time. Admittedly, co-accused are on anticipatory bail and investigation is in progress. In the overall facts



and circumstances of the case, this Court finds that counsel for the petitioner succeeds in making out a case for grant of bail to the petitioner.

10. In the totally of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of trial Court/Duty Magistrate concerned. Nothing stated herein shall be treated as an expression of opinion on the merits of the case.

February 14, 2025
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(RAJESH BHARDWAJ)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |