



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10363-2025
DECIDED ON: 21.02.2025

PALO RANI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kulwinder Singh, Advocate for
Mr. T.S. Sidhu, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.68 dated 05.11.2024, under Sections 384, 386, 420, 34 IP, Police Station Fattu DHINGA, District Kapurthala.

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

“Complaint No.387937 dated 20.07.2024. To, The SSP, Kapurthala. Sir, It is submitted that I, Amandeep Kaur wife of Manjit Singh, am resident of village Fattu DHINGA, Police Station Fattu DHINGA, District Kapurthala. On 09.07.2024, I was present at home along with my family. At about 8 PM, Shinder Kaur wife of Minder Singh, resident of Haji Betwan Panjeka, District Ferozepur with whom I was already known to

her. She along with Pali and Harmesh resident of Guru Har Sahai District Ferozepur came at our house. Minder Kaur and Harmesh entered in our house and told us that someone had dumped money beneath your house. If you did not solve it then either your father or children would be killed. I suddenly became perplexed on hearing this and came in their trap and told the Baba that get us out of this difficulty. Baba Harmesh gave me the resolution of this with Kasturi 11 tolas. I became perplexed and came in the trap of Baba Harmesh. Baba Harmesh by conspiring with Shinder Kaur and Pali lighted up the lamps (diya) and started performing worship (pooja) in our house. Baba Harmesh asked me to send both my children to my in-laws house that being under the protection of a snake can have a negative impact on children. We are afraid that the children will be sent to their grandmother's house. On 10.07.2024 at 1 AM, Baba Harmesh told me and my husband that you put the Laddu on the crossroad of village Shatola and did not see it back and return back to the house. At 1:30 AM, we had come back home and at 2:30 AM, Baba Harmesh and Shinder Kaur and Pali performed the Pooja and they show the articles like gold snake and gold biscuit that all these articles have been drawn from your house. We became more scared and we thought that they are telling true. Later, they stay at our home at night and in the morning time at 7:30 AM, they took Rs. 3, 50,000/- cash against Kasturi from us while leaving our house. On 12.07.2024, Shinder Kaur and Pali again came to our house in the evening and told me that the musk has become fake, you have to give money again so that I can bring musk (Kasturi) again and I can remove the serpent's guard from your house and can make you well. I again became scared and gave Rs.3,50,000/- cash after discussing with my husband. When we called on 14.07.2024 that Baba Ji when you will come then Baba Harmesh replied that I am coming. Then Pali send recording to us that Baba has been caught and we got

suspicious that we fell in false trap. Then we inquired on our own level and came to know that Baba Harmesh and Pali is husband and wife. Cheating has been done with me and my family, I am very much worried. The money which I have given to Baba Harmesh, the whole proof of which is with me. Kindly appropriate legal action be taken.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that there is an inordinate delay of more than 04 months in lodging the instant FIR as the occurrence took place on 30.06.2024 whereas the FIR was got registered on 05.11.2024. He further contends that neither any offence nor any cheating has been committed by the petitioner with the complainant. It has been further contended that the dispute in question is civil in nature but has given a colour of criminal nature.

Notice of motion.

On behalf of the State/complainant

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and Mr. Prateek Pandit, Advocate has put in appearance on behalf of the complainant, who submit that the incident pertains to 30.06.2024 and the complaint was moved in July itself. As such, this argument does not hold good as the complaint was submitted at the initial stage but there is a delay of more than 04 months in lodging the FIR which is sufficient enough to raise doubt on the prosecution story at this stage.

4. **Analysis**

Be that as it may, considering the fact that the matter pertains to civil liability but has given a colour of criminal nature, and also a civil suit is pending adjudication before the Civil Judge, Ferozepur, this Court deems it a fit case to grant anticipatory bail to the petitioner at this stage.

5. **Decision**

In the light of above, 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.

21.02.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No