



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-15094-2025

Date of Decision : March 20, 2025

BALBIR KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.266 dated 25.12.2024, under Sections 420, 120-B IPC, registered at Police Station Beas, District Amritsar Rural.

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

“Complaint No.1195-AP dated 08.06.2022. To, SSP, Amritsar. Subject:- For committing fraud of money on the pretext of sending abroad. Sir, it is requested that I, Gurdial Singh son of Mahinder Singh is resident of village Sathiala, Tehsil Baba Bakala, District Amritsar and doing the work of agriculture and from the work of agriculture, I am running the expense of myself and my family. On August, 2021 Amritsar Singh @ Amba (accused no. 1) son of Bhupinder Singh, resident of village Sathiala, Tehsil Baba Bakala, District Amritsar told us that if your sons Gurpreet and Baljinder

are to go abroad (America) then my sister whose name is Simranjit Kaur (accused no. 2) daughter of Bhupinder Singh is resident of village Sathiala, Tehsil Baba Bakala, District Amritsar. The family of Simranjit Kaur told us that Gurpreet Singh Aulakh (accused no. 3) who is residing in abroad City Shokra Monte (America) whose engagement has been done with Simranjit Kaur, he would take your both sons to abroad. Thereafter, we made Video Call with Gurpreet Singh also and he assured us that he would take us to America. Simranjit Kaur has also given us the mobile number of Gurpreet Singh Aulakh and told that we can talk with Gurpreet Singh Aulakh, when we talk with Gurpreet Singh Aulakh that he told us that an expense of Rs. 23 lacs would come for one person and the amount of your second son would be received after reaching in America. Along with that Gurpreet Singh Aulakh told us that your work has been matured and you have to pay the amount in installment to us. For this a sum of Rs. 2.5 lacs were demanded for take Baljinder Singh upto Maxico Border. This amount we have paid on 03.11.2021 to Balbir Kaur (accused no. 4) (the mother of Gurpreet Singh Aulakh) in her bank account. On 22.09.2021 to 03.11.2021. We paid the amount in the bank account of Balbir Kaur Aulakh wife of Sangat Singh (mother of Gurpreet Singh Aulakh) resident of Alia Chak, (Nano Nangal) Tehsil Dina Nagar, District Gurdaspur. Sharanjit Kaur Aulakh (sister of Gurpreet Singh Aulakh) (accused no. 5) daughter of Sangat Singh, resident of Alia Chak (Nano Nangal), Dina Nagar, District Gurdaspur. The total amount comes to Rs. 25.25 lacs. Thereafter, after receiving the aforesaid amount Gurpreet Singh Aulakh told us that within two months he would take your sons to abroad (America). Thereafter, Gurpreet Singh Aulakh started making excused to us and thereafter he stopped picking up our phone and one day he threatened us on phone that whatever we want to do, we can do he would not return our money. Thereafter, when we requested to Amarjit Singh and his family then they flatly refused to disclose the address of Gurpreet Singh Aulakh. Thereafter, we inquired ourself and went to the house of Gurpreet Singh Aulakh for making the request where the family of Gurpreet Singh Aulakh includes his mother Balbir Kaur, father Sangat Singh and sister Sharanjit Kaur Aulakh were met and we talked with them, they told us that they have no information in this regard. When we put the proof of the detail of bank before them, then they agreed to return our money and stopped us for taking any legal action and they assured us that they will return our money and they have given us three cheques and also assured us that our money would not go futile. When we reached our house then after 15-20

minutes the phone call of Balbir Kaur mother of Gurpreet Singh Aulakh came and he told that we should not put the cheque because there is no money in the account. Thereafter, we keep on making the phone to the family of Gurpreet Singh Aulakh, but they keep on lingering the matter on false promises. Thereafter, the mother of Gurpreet Singh Aulakh threatened us on phone that if their daughter Sharanjit Kaur would do something wrong to herself then you will be responsible and legal action would be taken against you. Thereafter, we again went to their house for making request then they told us that and we told them that if they would not return our money then under compelling circumstances they have to take action against them and they have made an agreement with us. Here it is pertinent to mention that we have taken the aforesaid amount of interest and the interest of that amount till now comes to 10.2 lacs. Before taking the amount on loan, we asked Gurpreet Singh Aulakh that whether our work would be done because we do not have som much amount and whatever amount he would pay to him, the same would be taken on loan after putting my property on lease. Upon that Gurpreet Singh Aulakh made us assure that our son would be taken a period of two months and the loan which he has taken would be returned very soon. I also talked to Gurpreet Singh Aulakh that I have made an agreement with summon of Rs. 3 lacs and Gurpreet Singh Aulakh again assured me that he would not default of this money also and after reaching your sons there, you can take the amount of agreement also. Because of this I have to take the loss of Rs. 3 lacs because I have given this amount to someone on the account of agreement and because I could not pay the remaining amount within time, my aforesaid money have been forfeited. The passport of both my sons was also handed over to one female agent of Jalandhar on asking of Gurpreet Singh Aulakh which are still with her. The mother of Gurpreet Singh Aulakh namely Balbir Kaur threatened us that a court case has been filed against you and we will meet in the court. Kindly return our amount of Rs. 36 lacs which includes the interest which we have paid and this interest has been paid on account of Gurpreet Singh Aulakh, the person amount of Rs. 25.25 lacs from complainant party opposite party Gurpreet Singh Aulakh has not send the son of complainant namely Gurdial Singh to America then complainant started demanding money back but they did not return their amount, complainant party went to their house for taking their money back, then Balbir Kaur in lieu of their money has entered into an agreement to sale of her house situated at Sharanam Colony, Gurdaspur, Hd No. 337 Tehsil Gurdaspur for returning their money back in favour of

the complainant party and also a cheque of Rs. 5 lacs has given as security from the account of Sharanjit Kaur from her account no. 3487001500071761 bearing cheque no. 766119 of Punjab National Bank, Branch Batua Gurdaspur and also blank cheque no. 766121 and 766120 of same bank to the complainant, whereas the allegations of complainant upon Amarjit Singh @ Amba son of Bhupinder Singh, Simranjit Kaur d/o Bhupinder Singh are concern that they have committed the fraud of Rs. 25.25 lacs for sending the son of the complainant to abroad (America) in connivance with Gurpreet Singh Aulakh, his mother Balbir Kaur and sister Sharanjit Kaur, no truth has been found in this regard because Amarjit Singh @ Amba has only told to complainant about Gurpreet Singh Aulakh and also talked with him only once and also he gave mobile number of Gurpreet Singh Aulakh to him. Thereafter, complainant Gurdial Singh started directly talking with Gurpreet Singh Aulakh and Gurpreet Singh Aulakh keep on transferring the money in the account of his mother and sister Sharanjit Kaur, in this matter no involvement of Amarjit Singh @ Amba and his sister Simranjit Kaur have been found in my enquiry and nor any concrete proof, witness, proof has been produced by the complainant against them. Amarjit Singh @ Amba has himself transferred Rs. 30023 on dated 02.07.2021, Rs. 8 lacs on 17.07.2021, Rs. 30023 on 12.11.2021 for going himself through Gurpreet Singh Aulakh in complainant and also told that the second of his son would be received after coming to America. Later on, Amarjit Singh @ Amba and his sister Simranjit Singh has given the phone number of Gurpreet Singh Aulakh to complainant and thereafter both the parties started talking to each other directly. Gurpreet Singh Aulakh has obtained the passport and other necessary documents of proof through scan from the complainant party and demanded the money. This amount was paid by complainant party on the asking of Gurpreet Singh Aulakh in the account of his mother Balbir Kaur and unmarried sister Simranjit Kaur. On dated 01.10.2021, complainant Gurdial Singh transferred Rs. 5.5 lacs through RTGS from his bank account no. 50100456099543 of HDFC Bank, Branch Santhiala to the mother of Gurpreet Singh Aulakh namely Balbir Kaur in her account no. belongs to Punjab National Bank. On dated 05.10.2021, complainant Gurdial Singh transferred Rs. 8.5 lacs in the account of mother of Gurpreet Singh Aulakh namely Balbir Kaur in her Punjab National Bank account by complainant from his bank account no. 50100456099543 of HDFC Bank, Branch Santhiala. On dated 13.10.2021 an amount of Rs. 3 lacs has been transferred by complainant in his account. On 14.10.2021, complainant

has transferred Rs. 1 lakh from the account of his son namely Gurpreet Singh from his account no. HDFC Bank Branch Sathiala, account no. 50100233955343 in the account of Balbir Kaur in Punjab National Bank and complainant has transferred Rs. 5 lacs in the account of sister of Gurpreet Singh Aulakh namely Sharanjit Kaur in her Punjab National Bank account through RTGS from his bank account no. 50100456099543 of HDFC Bank, Branch Santhiala. On dated 03.11.2021, complainant Gurdial Singh has transferred Rs. 2.5 lacs from the account of his son Gurpreet Singh in the account of mother of Gurpreet Singh Aulakh namely Balbir Singh in her Punjab National Bank account. Even after receiving an the account of his mother Balbir Kaur and sister Sharanjit Kaur. Infact, Gurpreet Singh Aulakh who is residing in America has told his mother Balbir Kaur regarding this money and for sending the sons of complainant to abroad i.e. America, whereas his sister Sharanjit Kaur in her account Rs. 5 lacs has been transferred by the complainant was not aware because Balbir Kaur has transferred this amount from Sharanjit Kaur to her account. Sharanjit Kaur was not aware of this money because she has withdraw this amount on the asking of his mother and handed over the same to her mother. The girl Sharanjit Kaur who is dependent on her elder brother Gurpreet Singh Aulakh and parents and Gurpreet Singh Aulakh has given the bank account of his siter Sharanjit Kaur to complainant just to transfer the money, the involvement of Sharanjit Kaur was not found in this matter. In order to commit fraud with the complainant, Gurpreet Singh Aulakh and his mother Balbir Kaur has given the account no. of Sharanjit Kaur in order to transfer the money and the same was given to complainant Gurdial Singh party, after getting transfer of this money Sharanjit Kaur has withdraw this amount and handed over to her mother as per instructions. Complainant party has given this amount of Rs. 25.25 lacs after mortgaging his land and residential house to Gurpreet Singh Aulakh and his mother Balbr Kaur for sending their son to America, in this matter the involvement o Sharanjit Kaur d/o Sangat Singh, r/o Alia Chak, Tehsil Dina Nagar, District Gurdaspur at present Gali No. 2, Ram Sharan Colony, Kahnuwan Road, Gurdaspur, Amarjit Singh @ Amba son of Bhupinder Singh and Simranjit Kaur d/o Bhupinder Singh r/o Sathiala was not found involved from my enquiry, Gurpreet Singh Aulakh son of Sangat Singh r/o Shokra Monto (America) and Balbir Kaur w/o Sangat Singh, r/o Alia Chak, Tehsil Dina Nagar, District Gurdaspur at present Gali No. 2, Ram Sharan Colony, Kahnuwan Road, Gurdaspur was found to be involved in commission of fraud of Rs. 25.25 lacs from the complainant.

FIR is required to be registered against them. If approved then FIR be registration against Gurpreet Singh Aulakh son of Sangat Singh r/o Shokra Monto (America) and Balbir Kaur w/o Sangat Singh, r/o Alia Chak, Tehsil Dina Nagar, District Gurdaspur at present Gali No. 2, Ram Sharan Colony, Kahnuwan Road, Gurdaspur under section 420, 120-B IPC, SHO PS Beas be recommended to give the directions in this regard. Report is submitted. Sd/- DSP Special Crime, EO Wing and Cyber Crime Amritsar Rural, upon that the legal opinion of DA Legal Amritsar Rural has been obtained. Sd/-SSP Amritsar Rural dated 13.06.2023.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case which was got registered against her by the complainant and the story put forth by the complainant is totally false. He further contends that there was some money dispute between the son of the petitioner, namely, Gurpreet Singh Aulakh and the complainant and the complainant has deposited the money in the account of the petitioner and the same was later on withdrawn by Gurpreet Singh, however, later on some dispute arose between said Gurpreet Singh and complainant and an agreement dated 4.5.2022 was entered into between the parties. He further contends that in the agreement, it was nowhere mentioned that the amount which was transferred by the complainant in the account of the petitioner was meant for sending the son of complainant to abroad.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who does not

controvert the aforesaid fact but opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has actively participated in the commission of crime.

4. **Analysis**

Be that as it may, considering the fact that there was a money dispute between the son of the petitioner and the complainant and regarding which compromise has also been effected between the parties and the petitioner has filed one criminal complaint before the trial Court and due to this reason, the present FIR has been registered, which is nothing but a cross case to put pressure upon the petitioner and added to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from her.

4. **Relief**

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 for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

March 20, 2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No