

CRM-M-27419-2025
Reserved on : 10.07.2025
Pronounced on: 22.07.2025

VERSUS

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Ms. Navreet Kaur Barnala, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
168	25.06.2022	Tripuri, District Patiala	406/419/420/467/468/ 471/120 B of IPC

1. The petitioners apprehending arrest in the FIR captioned above has come up before this Court under Section 528/482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 19 of the bail application and the reply, the petitioners have the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	220	20.09.2022	458/448/380/148/149 of IPC	City Kapurthala, Punjab

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"xxx xxx xxx xxx

That the brief facts of the present case/FIR No. 168 (supra) are that one application dated 28.03.2022 was moved by Rani Kaur (complainant) before the Senior Superintendent of Police, Patiala against Sukhwinderjeet Kaur (petitioner no. 1), Manager, S.K. Finance, Kapurthala with the allegations that the complainant-Rani Kaur got sanctioned loan amount of Rs.1,25,000/- on 18.11.2011 from a Finance Company situated at Chhotti Baradari, Patiala to construct her house by equitable mortgage of the sale deed of her plot as security. After few days of the approval of the loan, Sukhwinderjeet Kaur (petitioner no. 1), who claimed herself to be the Manager of S.K. Finance

Company, Kapurthala came to meet the complainant and told her that she would get loan approved for the construction of her house, for which she required sale deed of her house. Upon which, the complainant told her that she had already got the loan approved and the sale deed was with the aforementioned finance company which had provided loan to her and she would only get it back after paying the entire loan amount. At this Sukhwinderjeet Kaur (petitioner no. 1) told the complainant that she would get approved her Emergency loan of Rs.1.25,000/- online through NAVI App and thereafter, she sent an OTP on her son's mobile number to apply the online loan and she said that they would get this payment online because this loan was online, But after receiving OTP, when the aforesaid Sukhwinderjeet Kaur (petitioner no. 1) met them, then she gave Rs.1.25,000/- in cash instead of online payment and clicked the photo and after that she came at Chhotti Baradari to get sale deed and to give the loan amount the complainant. After getting the sale deed on 14.12.2021, Sukhwinderjeet Kaur (petitioner no. 1) said that they had to write an agreement for receiving the loan and took the complainant and her son to Booth No. 150 at Mini Secretariat, Patiala, wherein she told the son of the complainant to stay at canteen by making an excuse and she took the complainant to Booth No. 150, upon which, complainant became suspicious as she knew that the sale deeds were written in these booths. When the complainant enquired from Sukhwinderjeet Kaur (petitioner no. 1), she silenced her and, in the meantime, the boy present on the booth told the complainant regarding Sukhwinderjeet Kaur (petitioner no. 1) that sale deed has to be done there in the name of Rani Kaur. From which, the complainant came to know that Sukhwinderjeet Kaur (petitioner no. 1) was playing fraud upon her and when the complainant asked about the same from Sukhwinderjeet Kaur (petitioner no. 1), she clearly denied and said that the complainant had got confused. At this the complainant came to her son and again, the aforesaid Sukhwinderjeet Kaur (petitioner no. 1) started trapping them falsely by coming to them. But the complainant party refused her. When the complainant party asked for their sale deed documents from petitioner no. 1, then she started demanding Rs.1,25,000/- from her and escaped from the spot with their sale deed."

4. The petitioners' counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, they repeat the offence or commit any offence where the sentence prescribed is more than 07 years, they would have no objection, if State files an application for cancellation of their bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family. He further submits that the petitioners have been falsely implicated in the present case.
5. The State's counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as

9. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

10. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

11. **This bail is conditional, and the foundational condition is that if the petitioners indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. Petition is allowed in terms mentioned above. All pending applications, if any, stand disposed of.

22.07.2025
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(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No