

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-34679-2024  
Reserved on: 06.03.2025  
Pronounced on: 12.03.2025

Paramjit Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunny K. Singla, Advocate  
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

\*\*\*\*\*

ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                  | Sections      |
|---------|------------|---------------------------------|---------------|
| 86      | 14.06.2024 | City Khanna,<br>District Khanna | 406 & 420 IPC |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, seeking anticipatory bail.

2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the status report dated 04.09.2024 filed by the State, which reads as follows:

*“3. That the brief facts of the case are that the complainant moved application no.PGD no.331408 dated 09-04-2024 against petitioner Paramjit Kaur, Harmanpreet Singh, Manpreet Singh, Sukhwinder Kaur and Amritpal Singh to the effect that;*

*(i) Complainant Harminder Singh and his brother Jaspal Singh had purchased a joint plot, which Harminder sold for Rs. 36,00,000/-. The complainant met the petitioner Paramjit Kaur through Sukhwinder Kaur. Sukhwinder Kaur informed him that Paramjit Kaur was looking to settle her son and daughter-in-law abroad and needed money. Paramjit Kaur expressed interest in selling her land.*

*(ii) The petitioner Paramjit Kaur agreed to sell her land measuring 6 kanal 4-1/3 marla, and co-accused Harmanpreet Singh agreed to sell land measuring 5 kanal 16-4/9 marla. They agreed to execute separate*

*agreements to sell. The agreements were scribed on 19-07-2019, and Rs. 8 lacs was paid on 20-07-2019 as earnest money. It was agreed that the sale deed would be executed on 19-01-2022 after receiving the balance sale consideration.*

*(iii) According to the complaint, Paramjit Kaur received a total -sale consideration of Rs. 10 lacs, and Harmanpreet Singh received Rs. 14 lacs. However, they did not execute the sale deed as agreed.*

*(iv) Harmanpreet Singh extended the date of execution of the sale deed to 22-04-2022 on 02-06-2021. Similarly. petitioner Paramjit Kaur extended the date to 20-04-2022.*

*(v) It was later discovered that petitioner Paramjit Kaur had transferred her land to Manpreet Singh (son of Jagjit Singh) and the mutation was sanctioned on 30-09-2019.*

*(vi) Furthermore, petitioner Paramjit Kaur sold a portion of the land, which included a specific khasra number she owned, to Major Singh s/o Ram Singh on 22-04-2021. This transaction occurred without disclosing the fact that she had extended the date for the execution of the sale deed to 19-01-2022.*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that after expiry of period of limitation to file civil suit, present FIR was registered which is misuse of process of law.

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 follows:

*"4. That the inquiry regarding the abovementioned application was marked to the Deputy Superintendent of Police (D), Khanna. Whereupon, the DSP (D), Khanna submitted the inquiry report specifying THE ROLE OF THE PETITIONER to the effect that the petitioner Parmjit Kaur and Harmanpreet Singh executed forged agreements with the complainant. The property mentioned in the agreement to sell was not in the name of the petitioner Parmjit Kaur. Furthermore, Harmanpreet Singh, on 03-12-2019, executed an agreement to sell with the complainant Harminder Singh, but failed to register the sale deed despite multiple extensions of fixed dates. Subsequently, Harmanpreet Singh moved abroad to Canada. The petitioner Parmjit Kaur and Harmanpreet Singh, received Rs. 15,40,000 through a bank transfer from the complainant Harminder Singh, and an additional Rs. 8,60,000 in cash. Therefore, it was concluded*

*that the petitioner and co-accused Harmanpreet Singh had committed cheating with the complainant. It recommended to register FIR against the petitioner Paramjit Kaur and co-accused Harmanpreet Singh U/s 406, 420 IPC. Thereafter the present FIR was registered.”*

REASONING:

7. Nature of the dispute is civil in nature, agreement was registered in the year 2019 which was further extended. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- |    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |
11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner is 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 petitioner 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 petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. 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 petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioner 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.

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

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner 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.

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

(ANOOP CHITKARA)  
JUDGE

12.03.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.