

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55306-2024
Reserved on: 07.04.2025
Pronounced on: 29.04.2025

Daljit Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Khunger, Advocate
for the petitioner.

Mr. Adesh Pal Singh, A.A.G., Punjab.

Mr. Abhishek Khullar, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
149	24.09.2024	Sadar, Jagraon, District Ludhiana	406, 420, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 14 of the bail application, the accused declares that she has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the brief facts of the case is that the complainant Bahadur Singh, Son of Kehar Singh, resident of village Bhanohar, Tehsil & District Ludhiana submitted one application dated 09-09-2024 to SSP, Ludhiana (Rural) against the petitioner and others. This application was marked number as PGD- 432002 dated 11-09-2024. The complainant stated that he had submitted one application no. 512-PC-2 dated 26-03-2024 against Talwinder Singh Maan, Son of Inderjit Singh, petitioner herein Daljit Kaur, wife of Gurmeet Singh. However, the complainant entered into a compromise with the persons mentioned hereinabove in the police station, Sadar Jagraon. The complainant stated that the persons abovenamed had promised to give him an amount of Rs.1 Lakh (Rupees One Lakh) in the last week of month of May, 2024 or first week of

June, 2024. They have deposited Rs. 1 Lakh (Rupees One Lakh) in his account and promised to return the remaining amount of Rs. 15 lakhs to the complainant in the month of August, 2024 but they refused to return his amount.

4. That the complainant further stated that he again gave application dated 06-08-2024 second time to the SSP Ludhiana (Rural) against the above-named persons, however they have again entered into a compromise with him with the promise that they will return the amount to the complainant before 07-09-2024. But now the petitioner and other co-accused have refused to give his amount to the complainant. The complainant requested the SSP Ludhiana (Rural) to take action against Daljit Kaur, Gurmeet Singh, Talwinder Singh Maan. The SSP Ludhiana (Rural) marked this application to DSP Special Crime for enquiry.

5. That the DSP (PBI and Special Crimes), Ludhiana (Rural) conducted enquiry and submitted his report No. 656/5-A-DSP (PBI & SK) dated 21-09-2024 to SSP Ludhiana (Rural). The enquiry report reveals that the petitioner and other co-accused Talwinder Singh had taken a total amount of Rs. 20 Lakhs from the complainant Bahadur Singh for sending him Pb) and his wife to Australia but they committed fraud with the complainant. The complainant had given one application No. 512-PC-2 dated 26-03-2024 to the police against the petitioner and co-accused. Petitioner Daljit Kaur had entered into a compromise with the complainant Bahadur Singh and stated that they will return the amount of Rs. 16 Lakhs to the complainant. Due to this reason the complainant had withdrawn his application. The Petitioner Daljit Kaur deposited only Rupees 1 Lakh (Rupees One Lakh) in the account of the complainant but the petitioner and co-accused refused to give the complainant the remaining amount of Rs. 15 Lakhs. The enquiry officer has recommended to register an FIR u/s 406/420/120-B IPC against the petitioner and co-accused. The SSP Ludhiana (Rural) approved this enquiry report and directed the SHO, PS Sadar, Jagraon to register an FIR in this case vide order dated 24-09-2024. In compliance of these orders, FIR no. 149 dated 24-09-2024 u/s 406/420/120-B IPC has been registered in PS Sadar Jagraon against petitioner Daljit Kaur and accused Talwinder Singh son of Inderjit Singh."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"That the petitioner and co-accused has taken an amount of Rs. 20 Lakhs from the complainant to send him and his wife to Australia. The petitioner and co-accused neither sent them to abroad nor returned their amount and in this way, they have committed fraud with the complainant. The petitioner had

earlier entered into compromise with the complainant. The petitioner agreed to return this amount to the complainant. Due to this reason the complainant had withdrawn his application which was given to the police and the intention of the petitioner was to save herself from legal action. The petitioner has committed serious offence. The amount of the complainant is still to be recovered from the petitioner. The petitioner is not entitled for an anticipatory bail and further the custodial interrogation of the petitioner is required to the I.O. in this case. In these circumstances, it is respectfully prayed that the present petition may kindly be dismissed.”

REASONING:

7. Petitioner has no specific role and the main accused is Talwinder Singh, who is her brother and he has duped the complainant. The earlier complaint has been compromised between the parties. 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, petitioner being a woman 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. This order shall come into force from the time it is uploaded on this Court's official webpage.
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 Ilaka 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. 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.

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

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

29.04.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.