



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M No.62106 of 2024
Date of decision: 17.01.2025

Rajwinder Kaur and others
.....Petitioners
Versus
State of Punjab and another
.....Respondents

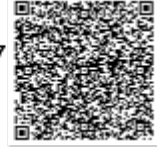
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raghav Goyal Chandiwalla, Advocate
for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Vipul Sachdeva, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioners in FIR No.0082 dated 06.11.2024, registered under Sections 420, 406 and 120-B IPC at Police Station Sadiq, District Faridkot.
2. Brief facts of the case are that Rajwinder Kaur, a resident of village Ghugiana, District Faridkot, filed a complaint regarding a case of mistaken identity involving the transfer of her GIC (Guaranteed Investment Certificate) money, intended for her studies in Canada. She had transferred Rs.6,04,547.53 from ICICI Bank, Toronto, to her account in Faridkot for personal expenses. However, due to the same name shared by her and another student, Gurmeet Kaur (whose mother's

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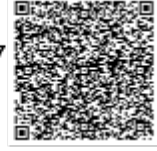


name is also Rajwinder Kaur), the money was mistakenly credited to the account of Gurmeet Kaur's mother, Rajwinder Kaur, wife of Jaswant Singh, who resides in village Kauni, District Faridkot. When Rajwinder Kaur discovered the error, she contacted the bank, which confirmed that the money had been mistakenly transferred due to the same names. The bank then issued a notice to Gurmeet Kaur's family, but they refused to return the money. Subsequently, the accused transferred the money to their son's account, Devinder Singh, in SBI, and closed the ICICI account. Despite further attempts to meet them, the accused refused to return the funds. Thereafter, the FIR (supra) has been registered.

3. Learned counsel for the petitioner inter alia contends that a perusal of the FIR (supra) clearly indicates that it is purely a civil dispute and the FIR (supra) under Sections 406 and 420 IPC cannot be registered. He further submits that a compromise has been duly effected between the parties and thereafter, both the parties have resolved their monetary dispute and also approached this Court by filing a petition i.e. CRM-M No.1135 of 2025, titled as "Rajwinder Kaur and others vs State of Punjab and another", seeking quashing of FIR (supra) on the basis of compromise and this Court has directed the parties to appear before the jurisdictional Court to record their statements in terms of the compromise.

4. Learned counsel for respondent No.2 appears and affirms the factum of compromise arrived at between the parties. He further submits that respondent No.2 has already received the full and final

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settled amount and he has no objection, in case the petitioners be granted the concession of anticipatory bail.

5. Learned State counsel has filed status report by way of affidavit of Deputy Superintendent of Police, Sub-Division Faridkot, District Faridkot, today in the Court and could not controvert the fact that the petitioners have already approached this Court for quashing of FIR (supra) by way of filing a petition i.e. CRM-M No.1135 of 2025.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

7. Keeping in view the facts and circumstances of the case and the fact that the matter stood compromised between the parties, the present petition is allowed and the petitioners are directed to appear before the Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS [*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*]

8. If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.

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9. Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

17.01.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No