



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-6915 of 2026 (O&M)

Date of Decision: 26.05.2026

Inderjit Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Vikas Bali and Mr. Ravinder Gill, Advocates
for the petitioner(s).

Mr. J.S.Thind, Deputy Advocate General,
Punjab, for the respondent.

Mr. Amrit Paul Nahar, Advocate
for the complainant.

Surya Partap Singh, J.

CRM-7412-2026

1. The learned counsel for the applicant/petitioner submits that he does not want to press this application and the same be disposed of as such.

2. In view of above mentioned statement of learned counsel for the petitioner, the present application is hereby disposed of, being not been pressed.

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3. This petition for bail is the first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 54 dated 27.02.2025 for the commission of offence punishable under Section(s) 420 of 'the

Indian Penal Code, 1860’ and Section 24 of ‘Emigration Act, 1983, Police Station Division No.5, District Ludhiana, Punjab.

4. The FIR of this case came into being at the instance of ‘Jaswinder Kaur’, hereinafter being referred to as “complainant” only. It was stated by the above-named complainant that ‘Inderjit Kaur’ (the petitioner herein) had settled a deal with the younger brother of the complainant, namely ‘Varinder Singh’ and his wife ‘Gurdeep Kaur’ for sending them to United Kingdom and for that purpose she demanded a sum of ₹23,00,000/-. According to complainant a sum of ₹15,20,000/- was paid to the petitioner on different occasions in different modes, but the documents for emigration of ‘Varinder Singh’ and ‘Gurdeep Kaur’ were not arranged by the complainant and thus, she was cheated.

5. It is the case of prosecution that pursuant to the mentioned complaint, formal FIR of this case was lodged and the investigation taken up.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is a female who has already suffered incarceration for a period of four months & 22 days. According to learned counsel for the petitioner the offence is triable by the court of Judicial Magistrate, and that the investigation is already complete and therefore, nothing has been left to be recovered from the possession of petitioner. It has also been contended by learned counsel for the petitioner that although the petitioner has suffered prosecution in three other cases also, but in two cases she has already been acquitted.

8. The learned State counsel, being assisted by learned counsel for the complainant, has controverted the above-mentioned arguments. According to learned counsel for the complainant the petitioner, right from the very beginning, has been acting with malafide intentions, and that as on today more than ₹14,20,000/- are due towards the petitioner. It has also been contended by learned counsel for the petitioner that malafide intentions of the petitioner can be gauged from the fact that she issued two cheques worth ₹7,50,000/- each, but those did not belong to the bank account of the petitioner.

9. The record has been perused carefully.

10. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that the petitioner, being female, deserves a considerate view;
- ii) that the petitioner is in custody for a period of more than four months & 22 days;
- iii) that the investigation of this case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- iv) that the dispute between the parties seems to be the dispute of civil nature, i.e. with regard to recovery of money;
- v) that trial of the case is not likely to be concluded in near future;

- vi) that further detention of the petitioner is not likely to produce a fruitful result;
- vii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

11. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of 'Dataram v. State of Uttar Pradesh and Another' (2018) 3 Supreme Court Cases 22, has observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has

been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.”

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 Supreme Court Cases 51, are also relevant in this case. In the above mentioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice.”

13. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed.” It has also been observed by the Hon’ble Supreme Court of India in the above mentioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of

their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently.”

14. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and Another’ 2024 SCC Online SC 4354.

15. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled to the benefit of bail, and that the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the above said concession shall be subject to following conditions:-

- a) that the petitioner 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 to disclose such facts to the Court or to any other authority;
- b) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the

conclusion of trial; and

- c) that the petitioner shall not leave India without prior permission of the trial Court.

17. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

May 26, 2026
“DK”

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