



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104-2

CRM-M-49252-2025

Date of Decision : 13.03.2026

RAJINDER KAUR

...Petitioner

VERSUS

STATE OF PUNAJB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Ishma Randhawa, Advocate
for the petitioner (through Video Conferencing).

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. P.S. Ahluwalia, Senior Advocate with
Mr. Dev Ahlwawat, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of bail under Section 483 of BNSS, 2023, has been filed by petitioner, an accused in case bearing FIR No.188 dated 18.07.2025 registered against her for the commission of offences punishable u/s 318(4), 316(2), 336(2), 338, 336(3), 340(2), 61(2) of BNS, at Police Station City Rupnagar, District Rupnagar.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

Varun Dham (complainant), s/o Krishan Lal Dham, the proprietor of KLV Builders & Developers Pvt. Ltd. (a well reputed Real Estate Firm), set the criminal law in motion by filing a complaint pointing therein that the Company

was intending to purchase more land to execute projects in/around Mohali and Ropar. For the said purpose, the Company floated the requirement in the market. Rohit Gupta, proprietor of Gupta Properties and Luxmikant Sharma, proprietor of Sharma Properties approached the Company with the owner to sell the parcel of land measuring 43 Kanal 02 Marlas situated in Village Bari Marauli, Tehsil Morinda, District Rupnagar. The aforesaid two persons introduced complainant to Jaswant Singh, s/o Jaishi Ram. It was disclosed that though the above land is registered in the name of Sukhdev Singh & Harbhajan Kaur but Jaswant Singh had agreement to sell in his favour and was also competent to execute further agreement to sell. While the talks were going on, the agreement to sell dated 10.07.2024 executed in favour of Jaswant Singh by the owners - Sukhdev Singh and Harbhajan Kaur, as also documents vide which both Sukhdev Singh and Harbhajan Kaur had extended the time period for execution of the sale deed, were shown. Complainant was also assured that the time period would still be further extended. With a view to cross check the facts, complainant also enquired the matter from Sukhdev Singh and Harbhajan Kaur, who also endorsed all the facts. Relying upon the assurances/promises given by Jaswant Singh, Rohit Gupta, Luxmikant Sharma, Sukhdev Singh and Harbhajan Kaur, agreement to sell dated 18.12.2024 was executed between KLV Builders & Developers Pvt. Ltd. and Jaswant Singh @ Rs.2, 87,00,000/- per acre and for a total sum of Rs.15,46,21,250/-. In the said agreement, Rohit Gupta and Luxmikant Sharma stood as attesting witnesses. Complainant further alleges that in all Rs.2,50,00,000/- was paid to the accused persons as earnest money. The sale deed of the land in question was to be executed by Jaswant Singh on or before 03.07.2025. Complainant alleges that though on several occasions, he requested

*Jaswant Singh and present petitioner to execute the sale deed, as also to inform him (C) about extension of date of agreement, as also whether “No Objection Certificate” had been procured from the owners, but no reply was forthcoming. Later, to his utter shock, accused stopped responding to the calls and are not traceable. It also came to the notice of complainant that the entire money had been transferred by Jaswant Singh in the account of his wife, namely, **Rajinder Kaur (present petitioner)**. Thus, in nutshell allegation leveled by complainant is that all the accused persons including the present petitioner in conspiracy with each other, committed a systematic fraud on him/Company. Primarily with this backdrop, complainant requested, the police authorities to catch hold of the assailants, as also to initiate criminal proceedings against them.*

On the basis of said complaint, a formal case FIR No.188 dated 18.07.2025, u/s 318(4), 316(2), 336(2), 338, 336(3), 340(2), 61(2) of BNS, was registered against the present petitioner and other accused.

3. An application for grant of bail was filed by the present petitioner. The same was dismissed by the learned Chief Judicial Magistrate, Rupnagar, vide order dated 08.08.2025. The said order was upheld by the learned Additional Sessions Judge, Rupnagar, in terms of order dated 27.08.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. The only role attributed to her is that Rs.60,00,000/- were credited in her account by her husband i.e. co-accused Jaswant Singh from the amount received by him from the complainant-Company. That apart, there is no other allegation that she induced complainant to enter into the sale agreement with her husband by misleading the facts. Further, in the

complaint, complainant himself pointed out that the Company agreed to enter into sale transaction with husband of petitioner after verifying the facts from the original owners Sukhdev Singh and Harbhajan Kaur.

It is further the submission of learned counsel that petitioner, a lady, whose past antecedents are quite clean, she being not involved in any other criminal case and to whom no specific role has been assigned, as also considering that she has been in custody since 29.07.2025, lenient view deserves to be taken in her favour, as investigations qua her are complete and the likelihood of completion of trial (offences being magisterial triable) in the near future is quite remote. When viewed in the factual scenario of the case in hand, further incarceration of petitioner would not serve any useful purpose as the same would be violative of her fundamental rights guaranteed under Article 21 of the Constitution of India. Further, as per learned counsel, petitioner undertakes to abide by all the conditions so imposed by the Court, while extending the concession of bail to her. Prayer for allowing the petition has been made.

4. *Per contra*, while referring to the Status Report dated 15.10.2025 by way of affidavit of Mr. Rajpal Singh Gill, Superintendent of Police, Sub-Division Rupnagar, District Rupnagar, learned State counsel accompanied by learned counsel for the respondent, have opposed the request for grant of bail submitting that present petitioner along with her husband Jaswant Singh and other accused, in conspiracy with each other cheated and defrauded the complainant-Company of Rs.2,50,00,000/-. The fact that Rs.60,00,000/- were deposited in her account further proves her complicity. If extended the concession of bail, the likelihood of her fleeing from the process of justice by not appearing in the Court is quite high. Dismissal of the petition has been prayed for.

5. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

6. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "**Gurbaksh Singh Sibbia V. State of Punjab**", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

In view of the settled proposition of law, submissions advanced by the learned counsel for the petitioner but without advertng to the merits of the case, lest it may prejudice the trial, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner (who has been in custody since 27.07.2025), as the same, without the prospect of trial being concluded in the near future (offences being magisterial triable), would be violative of her rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme

Court in *Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.*

Resultantly, petitioner is granted the concession of bail subject to her furnishing bail/surety to the satisfaction of the learned Duty Magistrate/trial Court concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)

JUDGE

13.03.2026
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>