

Harvinder Kaur versus State of Punjab

Present: Sh.Rajesh Sharma, Adv.counsel for applicant.
Sh.Amarjit Syal, Addl.PP for the State assisted by Sh.Sandeep Kumar, Advocate.

1) This order of mine shall dispose of first anticipatory bail application filed by applicant in the above mentioned FIR.

2) Ld.counsel for the applicant has submitted that as per the version of prosecution, a sum of Rs.20 Lacs was deposited in the account of applicant and Gurnam Singh, her father on 13.11.2015, which was to be sent to Nirmal Singh, brother of applicant for the purpose of expansion of business and complainant being engaged to sister of applicant had deposited the amount, which as per the prosecution had not been returned. The present case is more of civil in nature for the recovery of the amount. He has prayed for the acceptance of the bail application.

3) On the other hand, Id.APP assisted by Sh.Sandeep Kumar, Advocate has opposed the bail application alleging that applicant deserves no concession of bail as he had cheated complainant and duped him of a sum of Rs.20 lacs, so he has prayed for the dismissal of the bail application.

4) I have considered the submissions made by learned counsel for the applicant as well as learned Addl.PP for the State.

5) Perusal of the file reveals that this case was registered on the complaint filed by Pargat Singh on the allegations that he got engaged to Gurmeet Kaur in May, 2015. Gurmeet Kaur, her father Gurnam Singh and Tej Kaur had come present Canada, whereas Nirmal Singh, brother of Gurmeet Kaur alongwith his wife Satvir Kaur were in Canada. The marriage of complainant with Gurmeet Kaur took place on 28.02.2016 though during

the intermediate period, complainant was in-touch with the entire family on phone. As per the request of Harvinder Kaur, applicant sister in law of complainant, complainant deposited a sum of Rs.20 lacs in her account on 13.11.2015, which she had jointly with her father Gurnam Singh and this amount was to be sent to Nirmal Singh, brother of applicant for the purpose of expansion of his business but the said amount had not been returned by applicant Nirmal Singh and Satvir Kaur.

6) So from the version of the prosecution, what is evident that complainant gave a sum of Rs.20 lacs through bank transfer to his sister in law i.e. the applicant, who further wanted it to send it to her brother Nirmal Singh in Canada for the purpose of expansion of business. This case has been registered almost after 5 years of the deposit of the amount of Rs.20 lacs by complainant in the account of applicant. The case of the applicant as argued by her counsel appears to be more of civil in nature. So, I find that custodial interrogation of applicant is not required.

7) Keeping in view the circumstances of the case, applicant is directed to join investigation with the Investigating Officer within 2 days and to cooperate in it. In that eventuality, he will be released on interim bail by the arresting officer on furnishing of bail bonds to his satisfaction. Applicant shall comply with the conditions under section 438(2) Cr.P.C. Copy of this order be sent to the concerned quarter. Now to come up on 21.7.2020 for awaiting outcome of the joining of investigation by accused.

**Pronounced :
Dt.09.07.2020.**

Kulwinder Singh,
Stenographer(Grade-II).

**(Sanjeeta)
Addl. Sessions Judge(D),
Bathinda (UID:PB-0177).**