



**CRM-M-53049-2024;
CRM-M-3980-2025 and
CRM-M-4660-2025**

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Reserved on: 6th March, 2025
Pronounced on: 10th March, 2025**

1. **CRM-M-53049-2024**

Harjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

2. **CRM-M-3980-2025**

Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

3. **CRM-M-4660-2025**

Harmeet Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Harpreet Kaur, Advocate for the petitioner.
(in CRM-M-53049-2024)

Mr. Gopal Sharma, Advocate for the petitioners.
(in CRM-M-3980-2025 and CRM-M-4660-2025).

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Raghav Soni, Advocate for the complainant.



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MANISHA BATRA, J :-

This order shall dispose of the aforementioned petitions filed by the petitioners for grant of regular bail in case arising out of FIR No. 71 dated 20.07.2024 registered under Sections 406, 465 and 120-B of IPC (Sections 467 and 468 of IPC added later on) at Police Station Maqboolpura, District Amritsar.

2. Brief facts of the case relevant for the purpose of disposal of these petitions are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Ranjit Singh, on the allegations that he was running business of sale and purchase of gold ornaments under the name and style of T.R. & Sons Jewellers. The petitioners, who are members of the same family are related to the complainant. Sometime back, they induced the complainant and his sons to give gold ornaments to them on credit basis by representing that they would further sell the same and would share profit with the complainant and would also return unsold gold ornaments back to him. Believing them, the complainant started giving gold ornaments to the petitioners. Gradually, they earned the trust of the complainant by honouring the transactions so made.

3. As further alleged, on 23.05.2024, the petitioner-accused Gurmeet Singh along with his sons i.e. petitioners Harmeet Singh @ Lucky and Harvinder Singh and wife Harjeet Kaur came to the house of the complainant and by representing that they had received a big order for sale of gold ornaments in which the complainant would also fetch huge profit, they took gold jewellery items of different types weighing 1290.640 grams



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and having worth of approximately Rs. 93,00,000/- from the complainant. They also made the complainant talk to accused Sarabjit Singh (Son of accused Gurmeet Singh) over mobile phone who also represented that he had some customers who were waiting for the jewellery at that time. The petitioners had assured to give back the unsold jewellery and profits within two days. Subsequently, they told the complainant that gold ornaments so given by him, had been confiscated by custom department from accused Sarabjeet. They even showed a receipt purported to be issued by custom department regarding confiscation of gold. However, the complainant subsequently came to know that no such confiscation had been made and infact, the accused Sarabjit Singh who is now absconding along with the petitioners had created a false story to cheat the complainant and to misappropriate the gold jewellery given by the complainant.

4. After registration of FIR, investigation were initiated. During investigation, the petitioners were arrested on 23.08.2024. They admitted their involvement in commission of the subject offences and disclosed that out of the gold ornaments weighing 1293.640 grams as received from the complainant, they had given gold ornaments 763.66 grams to accused Sarabjit Singh for selling and the remaining gold ornaments weighing 530.680 grams were sold to some unknown person and they had taken one gold biscuit weighing 277.54 grams and cash amount of Rs. 15,00,000/- from that person out of which cash amount of Rs. 4,50,000/-was with them, whereas, the remaining amount was spent. On the basis of disclosure statement of accused Harmeet Singh, the gold biscuit weighing 277.54



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grams and cash amount of Rs. 4,50,000/- were recovered, which were taken into custody by the police. Subsequently, offence under Section 323 of IPC was also added. Investigation stands concluded and presently, the petitioners are facing trial for commission of offences punishable under Sections 406, 465, 467, 468, 471 read with Section 120-B and Section 323 of IPC.

5. It is argued by learned counsel for petitioner-Harjeet Kaur that she has been falsely implicated in this case. She is in custody since 26.08.2024. The only allegation against her is that she had accompanied her sons i.e. co-accused to the house of the complainant when the initial business talks were initiated between the parties. There is no allegation that she had induced the complainant with an intention to cheat him. The compromise had also been arrived at between the parties. The complainant had sworn an affidavit on 30.09.2024 and in pursuance of the said compromise, he has received the gold ornaments weighing 277.54 grams and cash amount of Rs. 4,50,000/- as recovered by the police during investigation, but now he has backed out from the compromise. The petitioner is suffering from Bipolar disorder and has been taking psychiatric medicine. Her illness is characterized by remissions and relapses. Trial is likely to take time. Her further detention would be serve any useful purpose. Therefore, it is urged that the petitioner deserves to be released on bail.

6. Learned counsel for the remaining petitioners namely Harwinder Singh, Harmeet Singh and Gurmeet Singh has argued that infact, there were business dealings between the complainant, his sons as well as themselves. Certain losses were suffered by both of them. On 27.05.2024,



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verbal altercation had taken place between them due to which their relations had become strained. The FIR of this case was lodged after a gap of about two months from that date, out of animosity and totally on false allegations to settle old scores by the complainant. No receipt had been shown by the complainant qua alleged handing over of gold ornaments to the tune of Rs. 93,00,000/- to the petitioners. The petitioners are in custody since long. The complainant had sworn an affidavit in their favour after entering into a compromise with them and in pursuance of that compromise, he had got released gold ornaments weighing 277.54 grams and Rs. 4,50,000/- from the Court. He has backed out from the terms of the compromise. No recovery is to be effected from them. The trial is likely to take time. Their further incarceration would not serve any useful purpose. They are ready to abide by terms and conditions of bail. Therefore, it is urged that they deserve to be released on bail.

7. Status reports filed by the respondent-State and reply has been filed by complainant. It is argued by learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant that there are serious allegations against the petitioners, who by hatching a conspiracy with each other, to cause wrongful loss to the complainant and his family members, had induced them to give huge quantity of gold ornaments having value of about Rs. 93,00,000/- and had cheated the complainant by showing that those ornaments had been confiscated by the DRI/customs department, whereas it was not so. They have even forged some receipt regarding confiscation of gold, by claiming that the same was issued by the customs



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department on such confiscation. The co-accused Sarabjit Singh, who is son of the petitioner-Gurmeet Singh is yet to be arrested. There are chances of petitioners' absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petitions do not deserve to be allowed.

8. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

9. The petitioners are alleged to have hatched a conspiracy with each other and in pursuance of that conspiracy, they are alleged to have induced the complainant to part with gold ornaments weighing 1293.640 grams having worth of Rs. 93,00,000/- on the pretext that they would sell the same and would share profit with the complainant and would return the unsold gold ornaments. They are further alleged to have represented to the complainant that the gold ornaments had been confiscated by customs department from the co-accused Sarabjit who was going to sell them. The petitioners have placed on record an affidavit shown to be sworn by the complainant affirming that a compromise have been arrived at between the parties and he would have no objection, if the FIR was cancelled subject to release of 277.54 grams of gold and Rs. 4,50,000/- cash, which was in the custody of the police in his favour. Learned counsel for the complainant has not raise any serious objection as to execution of this affidavit by the complainant. It has also come on record that the aforementioned quantity of gold and cash amount of Rs. 4,50,000/- has been released in favour of the complainant. Though the contents of this compromise cannot be taken into consideration at this stage, at the time of deciding the present petitions,



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however, it is a debatable question, as to whether, the gold quantity as mentioned in the complaint had been infact given to the petitioners by the complainant since no document qua receipt of the aforementioned quantity of gold is shown to have been executed by either of the petitioners in favour of the complainant.

10. Learned counsel for complainant has placed on record Annexure R-1 an affidavit shown to be thumb marked by the petitioner-Harjeet Kaur on behalf of herself as well as on behalf of remaining petitioners to the effect that they had taken gold ornaments weighing 1293.640 grams from the complainant. This affidavit is however, shown to be sworn on 07.09.2024, whereas, Harjeet Kaur was admittedly in custody since 26.08.2024. As such, the authenticity of this affidavit is also debatable. Moreso, it cannot be considered that this was an affidavit sworn by the remaining petitioners as well. With regard to the contention that a false and fake detention/confiscation order had been shown by the petitioners to the complainant and they had committed offence of forgery and use of forged documents, no such documents is shown to have been recovered. The petitioners are in custody since long. Investigation stands concluded. Trial is obviously to take time. The offences in question are triable by Magistrate. Further incarceration of the petitioners would not serve any useful purpose. Keeping in view the facts as enumerated above, I am of the considered opinion that the petitioners should be released on bail during trial. Hence, the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing personal bonds and surety bonds by two



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sureties each, to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

11. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12. Since the main petitions have been allowed, pending application, if any, is rendered infructuous.

13. Photocopy of this order be placed on the files of connected cases.

**[MANISHA BATRA]
JUDGE**

10th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*