



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-397-2025 (O&M)
Decided on : 17.02.2025

Hardeep Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Gahlawat, Advocate
for the petitioner(s).

Mr. Amandeep S. Samra, AAG, Punjab.

Mr. Shivinder Singh, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

CRM-6334-2025

By way of present application filed u/s 528 of BNSS, 2023, applicant-petitioner, is praying for placing on record the documents annexed as Annexures P-10 to P-18.

Allowed as prayed for. Documents filed along with application as Annexures P-10 to P-18, are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM stands disposed of.

CRM-M-397-2025

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-



Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Hardeep Kaur	59	22.06.2024	420, 406 of IPC (Section 120-B of IPC added later on vide GD No.14, dated 14.07.2024)	City Bassi Pathana	Fatehgarh Sahib

2. The petitioner, who is stated to be an illiterate lady, having attended school only up to the 5th standard, is a mother of two children. Her husband, namely Nirbhai Singh, is the actual accused who allegedly allured the complainant/victims – Satnam Singh, Kuldeep Singh, and Gurpreet Singh, into investing with him for profit.

Allegedly, a total amount of ₹1,92,00,000/- was paid to Nirbhai Singh over a period of about one year. However, he suddenly stopped making payments. Neither in the form of profit nor by returning the principal amount received by him. Therefore, learned counsel submits that the petitioner, being illiterate, has been made a scapegoat and is suffering solely due to her relationship with Nirbhai Singh, who has absconded and is now settled abroad.

Furthermore, the petitioner has been in jail since July, 2024. After completion of investigation, final report under Section 173 Cr.P.C. has been submitted. Therefore, further incarceration of the petitioner would serve no useful purpose for the prosecution.

Thus, a prayer has been made for granting the concession of regular bail to the petitioner.

3. On advance notice and in response to the arguments addressed above, learned State Counsel submits that, as per the allegations leveled in the FIR, there is no specific instance where the present petitioner allured the



complainant/victims into investing money for the purpose of earning profit.

However, learned State Counsel opposes the contention/prayer for bail.

4. Learned counsel for the complainant, while opposing the contention for bail, submits that there are three victims who have been duped by the petitioner and her husband. It is contended that both were in connivance with each other and, by hatching a conspiracy, have withheld an exorbitant amount of ₹1,92,00,000/-.

However, there is no denial that the amount was paid to the accused persons from time to time over a period of one year. It was only after they failed to return the profits or the principal amount that the FIR in question was lodged.

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

6. Be that as it may, the basic question that requires examination during the course of trial is whether, at the time of asking for money by the petitioner or her husband, the element of *mens rea* to cheat was present or not? This is particularly relevant because the FIR was registered only after multiple payments had been made and even after the profit amount had been credited to the accounts of the victims.

7. Considering the totality of circumstances, and broadly the fact that the offences are triable by the Court of Magistrate, and also the petitioner being a woman, is inside jail since July, 2024, I deem it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to her furnishing



bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 17, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No