

CRM-M-65661-2024

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2025:PHHC:015679



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-65661-2024 (O&M)

Date of Decision: 03.02.2025

Gurdeep Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mohit Kakkar, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No. 338 dated 30.11.2024 (P-1), under Section 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sohana, District SAS Nagar, Mohali.

2. Allegations are that petitioner along with her husband-Kuldeep Singh @ Happy cheated complainants-Gurpreet Kaur and Tarsem Gir to the tune of Rs.5,00,000/-(Approximately) on pretext of issuing death certificate of their uncle-Ujaggar Singh; however, they failed to do so and did not return the said amount.

3. Contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 02.01.2025 and in pursuance thereof, she has already joined the investigation; hence, her custodial interrogation is not required.



4. The above factual position is not disputed by learned State Counsel.
5. Heard learned counsel for the parties and perused the paper-book.
6. It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 02.01.2025 and the order reads as under:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), prayer is made for grant of 'anticipatory bail' to the petitioner in case FIR no.338, dated 30.11.2024, under Section 420 of the IPC, registered at Police Station Sohana, District SAS Nagar, Mohali (Annexure P-1).

Learned counsel for the petitioner, in asking for the relief (supra) inter alia submits that the amount which has been paid by the complainant to the present petitioner is, in fact, the legal fee.

He further submits that the death certificate qua Ujagar Singh, has already been issued, and even a civil suit has been filed by the present petitioner on behalf of the complainant.

Notice of motion.

Mr. Solomon Partap Singh, AAG, Punjab, accepts notice on behalf of respondent-State, and waives service.

Adjourned to 03.02.2025.

In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.”

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and her custodial interrogation is not required.
8. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 02.01.2025 is made absolute subject to the



conditions as envisaged under Section 482 of BNSS.

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

11. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

03.02.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned Yes

Whether reportable No