

**CRM-M-21515-2025 (O&M)****1****233****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-21515-2025 (O&M)****Date of Decision: 29.04.2025****KULWINDER KAUR****...PETITIONER****Versus****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Gurbir Singh Sidhu, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No. 144 dated 24.08.2024 registered under Sections 467, 468, 471, 420, 406, 34 of Indian Penal Code at Police Station Bullowal District Hoshiarpur.
2. FIR(supra) was registered on the statement of Balvir Singh who stated that he met Kulwinder Kaur (petitioner herein) wife of Gurnam Singh through some known person. Petitioner has told him that her case related to property is going on within Hon'ble Delhi High Court, in which, her help is being done by her brother, who is Judge in the Delhi High Court and has been at Hoshiarpur previously. In this case, Rs.3.50 crore has to be received in her account. But, for this, she had to deposit some fee as security to the Hon'ble Court. Petitioner said that against the said help, she would give him share in the property or Rs. 50.00 lakh. Thus, petitioner has made conspiracy with regard to case and under this conspiracy, presented her brother as Judge and to show her



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conspiracy as correct, shown forged documents of different departments such as Delhi High Court, Reserve Bank of India and Punjab National Bank etc., and has committed fraud with the complainant. Neither the above accused-petitioner gave him share in the property nor gave any money. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that petitioner along with her husband have been falsely implicated in the present case and petitioner has taken a friendly loan from the complainant, who was having friendly terms with her and in lieu of that, she had given two cheques of Rs. 6,00,000/- each. The complainant after manipulating and twisting the real facts, has framed the petitioner in this false case. Further, the dispute is purely civil in nature. The petitioner is a lady and she has suffered incarceration of more than 05 months. Investigation of the case is already complete and final report has been filed before the jurisdictional Court. Petitioner is not involved in any other case.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer made by the petitioner on the ground that petitioner has played a serious fraud upon the complainant by inducing him to pay Rs. 24,42,590/- on the promise of giving share in the property. However, learned State counsel could not controvert the fact that petitioner is not involved in any other case and out of total 14 prosecution witnesses, none has been examined so far.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 05 months and 16 days as on 27.04.2025 and till today, not even a single



prosecution witness has been examined. Therefore, conclusion of trial shall take considerable long time.

6. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

7. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Kulwinder Kaur is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.



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9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

29.04.2025

Ajay Goswami

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No